

BOARD OF COUNTY COMMISSIONERS * TIME CERTAIN 3:00 P.M. *
AGENDA ITEM SUMMARY PUBLIC HEARING

Meeting Date: June 21, 2006 - MAR

Division: County Attorney

Bulk Item: Yes No X

Department: County Attorney

Staff Contact Person: Suzanne A. Hutton

AGENDA ITEM WORDING:

A Public Hearing to discuss and approve either the original proposed ordinance amendment ("*Amendment*") or the alternate proposed ordinance amendment ("*Alternate Version*"), amending Chapter 3 of the Monroe County Code (Animal Control); and, if the "*Alternate Version*" is approved, approval of a correlating resolution amending *Resolution No. 261-2005* to establish fee changes in accordance with the "*Alternate Version*" ordinance amendment as approved.

ITEM BACKGROUND:

On 2/15/06 the Board approved advertising a public hearing to consider adoption of an ordinance amending Chapter 3, Monroe County Code. A notice was published on two separate dates in all three area newspapers. The public hearing was held on 3/15/06 in Marathon, FL and the Board subsequently approved the Ordinance recorded as *Ordinance No 006 - 2006*.

Following the public hearing and enactment of *Ordinance No. 006-2006*, numerous complaints were received from the public. The matter was placed on the 4/19/06 agenda by the County Attorney for discussion, with many speakers including animal shelter providers, veterinarians, animal trainers and members of the public. The BOCC placed a two-month moratorium on enforcement of *Ordinance No. 006-2006* to allow additional time for input and research and directed staff to draft an ordinance amendment to address the outcry and specific areas of concern. The County Attorney drafted an ordinance to amend the specific sections of the Ordinance addressed which was presented at the Public Hearing scheduled and noticed for 5/16/06 on this issue.

The BOCC approved the scheduling and advertisement of one more Public Hearing to be held in Marathon on 6/21/06 and Mayor Pro Tem Spehar advised, in the interim, she would conduct a workshop with interested members of the public to provide an opportunity for discussion and input.

On May 31, 2006, a workshop was held by Mayor Pro Tem Spehar. In an effort to encompass the specific areas of concern and consensus resulting from the workshop, the County Attorney drafted an alternate proposed ordinance amendment (marked "*Alternate*"). If the "*Alternate*" proposed ordinance is approved, the County Attorney has also drafted a correlating resolution for approval to amend *Resolution No. 261-2005* to establish fees for enforcement of the "*Alternate*" ordinance.

PREVIOUS RELEVANT BOCC ACTION:

On 2/15/06 BOCC approval to advertise a public hearing to be held 3/15/06 in Marathon to consider adoption of an Ordinance to revise Chapter 3, Monroe County Code.

On 3/15/06, public hearing was held and the Board adopted *Ordinance No. 006- 2006* amending Chapter 3, Monroe County Code.

In response to public outcry, on 4/19/06 the BOCC placed a two-month moratorium on enforcement of *Ordinance 006-2006* and directed staff to draft an amendment to address specific areas of concern.

On 5/16/06 BOCC approved the advertising and scheduling of a Public Hearing to be held 6/21/06 in Marathon and Mayor Pro Tem Spehar announced she would conduct a workshop for public discussion and input .

On May 31, 2006 a workshop was conducted by Mayor Pro Tem Spehar with interested members of the public.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: N/A**BUDGETED:** Yes ☐ No ☐**COST TO COUNTY:** _____**SOURCE OF FUNDS:** _____**REVENUE PRODUCING:** Yes ☐ No ☐**AMOUNT PER MONTH** _____ **Year** _____**APPROVED BY:** County Atty X OMB/Purchasing _____ Risk Management _____**DIVISION DIRECTOR APPROVAL:** _____
SUZANNE A. HUTTON, COUNTY ATTORNEY**DOCUMENTATION:** Included X Not Required _____**DISPOSITION:** _____**AGENDA ITEM #** _____

Revised 2/05

**NOTICE OF INTENTION TO CONSIDER
ADOPTION OF COUNTY ORDINANCE**

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on **June 21, 2006 at 3:00 P.M.** at the Marathon Government Center, 2798 Overseas Highway, Mike Marker 50, Marathon, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE AMENDING SECTIONS 3-5(6), 3-13, 3-14, 3-27 AND 3-28, MONROE COUNTY CODE; PROVIDING FOR CLARIFICATION OF PREMISES REQUIRING WARRANT; PROVIDING LICENSE FEE FOR EXEMPTION FROM SPAY/NEUTER REQUIREMENT TO BE \$100; PROVIDING FOR VETERINARIAN CERTIFICATION OF HEALTH REASON FOR EXEMPTION FROM REQUIREMENTS OF SPAYING OR NEUTERING OF CATS AND DOGS; PROVIDING FOR A FINE OF \$500 FOR THE IMPOUNDMENT OF ANY DOG OR CAT WHICH IS NOT SPAYED OR NEUTERED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 19th day of May, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court
and ex officio Clerk of the Board of County
Commissioners of Monroe County, Florida

(SEAL)

Publication dates:

Reporter	(Fr) 5/26/06	(Fr) 6/2/06
Keynoter	(Sa) 5/27/06	(Sa) 6/3/06
KW Citizen	(Su) 5/28/06	(Su) 6/4/06

ORDINANCE NO. ____-2006

AN ORDINANCE AMENDING SECTIONS 3-5(6), 3-13, 3-14, 3-27, AND 3-28, MONROE COUNTY CODE; PROVIDING FOR CLARIFICATION OF PREMISES REQUIRING WARRANT; PROVIDING LICENSE FEE FOR EXEMPTION FROM SPAY/NEUTER REQUIREMENT TO BE \$100; PROVIDING FOR VETERINARIAN CERTIFICATION OF HEALTH REASON FOR EXEMPTION FROM REQUIREMENTS OF SPAYING OR NEUTERING OF CATS AND DOGS; PROVIDING FOR A FINE OF \$500 FOR THE IMPOUNDMENT OF ANY DOG OR CAT WHICH IS NOT SPAYED OR NEUTERED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Monroe County (BOCC), at their meeting of March 15, 2006, after having published two notices of the public hearing in each of the three newspapers of general circulation providing notice in the Upper, Middle and Lower Keys, did enact Ordinance No. 006-2006, revising Chapter 3 of the Monroe County Code; and

WHEREAS, members of the public complained after the passage of said ordinance of provisions therein; and

WHEREAS, the County Attorney placed on the April 19, 2006 agenda of the BOCC a request for direction as to any changes desired to be made to the ordinance; and

WHEREAS, at the April 19, 2006 meeting, approximately 25 speakers addressed the BOCC regarding Ordinance No. 006-2006; and

WHEREAS, the majority of speakers voiced objections to some or all of said ordinance; and

WHEREAS, at least one-fourth of the speakers endorsed the ordinance completely, or requested that very little change be made to it; and

WHEREAS, it is desired to modify those portions of Ordinance No. 006-2006 to alleviate some of the burdens perceived by many of the persons objecting to the ordinance, yet retain controls to address the difficulties faced by animal control authorities in carrying out their responsibilities to both insure the protection of the public and of those animals subjected to inhumane treatment; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Section 3-5(6), Sub-paragraph (c), Monroe County Code, shall be amended as follows:

(c) The animal control officer shall dispose of impounded animals which are not claimed and released within five ~~seven-(7)~~ (5)days by one of the following methods:

- (1) adoption by an individual person who meets adoption criteria for the animal; or
- (2) humane euthanasia under State statute if the animal is deemed unadoptable or cannot be placed within a reasonable time with a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter; or
- (3) release to a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter. However, if a dog or cat has a collar, license, or other evidence of ownership, the animal control officer shall notify the owner of the impoundment. Disposition of the animal shall then not be made until after five (5) days from the date of mailing a written notice, unless the owner has, prior to the end of the five (5) days, redeemed the animal or relinquished in writing ownership of the animal. The animal control supervisor shall maintain a record of when the animal was acquired and under what circumstances. This record shall also indicate the date of notice sent to the owner of an animal and any subsequent disposition of the animal. This section does not apply to animals which are sick or injured to the extent that the holding period would cause the animal to suffer. Regulations regarding the sale of animals from the animal protection shelter and boarding and other charges shall be posted in a conspicuous place at the animal control shelter. The bodies of all animals destroyed at the animal control shelter or elsewhere in the county shall be disposed of by the animal control officer in a manner approved by the Monroe County Health Department and the Board of County Commissioners. Any animals voluntarily relinquished to the animal control shelter by their owners for disposition (not boarding), need not be kept for the minimum period of five (5) days before release or disposal of the animal by the animal control officer.

Section 2. Section 3-5(6), Sub-paragraph (e), Monroe County Code, shall be amended as follows:

(e) The animal control officer is authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (excepting entry into the private areas of buildings or enclosures constructed to provide privacy, unless in possession of a Search Warrant) for the purpose of inspecting those premises to determine if the owners of dogs, cats or animals harbored, kept or possessed on the premises have complied with the provisions of this Chapter. The animal control officer is authorized and empowered to issue a citation to the owner of any dogs, cats or ferrets for whom no license has been procured in accordance with this Chapter or for any other violation of this Chapter. The provisions of this subsection shall include, but not be limited to, investigation of, and seizure for, cruelty to animals, and investigation and seizure of vicious or dangerous animals.

Section 3. Section 3-13, Monroe County Code, shall be amended as follows:

Sec. 3-13. Neutering of dogs and cats.

(1) Required Spay and Neutering. No person in Monroe County shall own, possess, or have control or custody of a dog, or cat four (4) months of age or older which is not spayed or neutered except for those animals for which an exemption license has been issued and those animals for which a veterinarian's certificate of exemption for health reasons, meeting the requirements of subsection (3), has been provided to the local animal control supervisor.

(2) Licensed Exemptions. Owners and keepers of dogs and cats who do not want their animals spayed or neutered, ~~regardless of the reason,~~ shall obtain an annual license from their local Animal Control Office of Monroe County. The annual fee for this license shall be \$500 \$100 per animal. The animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner.

(3) Veterinarian Certified Exemption. Owners and keepers of a dog and cat for which a veterinarian licensed to practice veterinary medicine by the State of Florida has certified in writing that a procedure to spay or neuter the animal would be injurious to the animal's health because of its age, infirmity, disability, illness, or other medical considerations shall be exempt from the spay/neuter exemption license fee for such time as is covered by the veterinarian certificate, provided said certificate is filed with the animal control supervisor. The animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner, until the animal is spayed or neutered.

(3) (4) Spay, Neuter or License for Exemption Required. No dog or cat which is four (4) months of age or older shall be released by any County Animal Control officer to an owner or keeper unless said animal is spayed or neutered or licensed to be exempt from the spay/neuter requirement. A dog or cat requiring spaying or neutering may be released to the veterinarian of the owner's choice to be spayed or neutered at the owner's expense. Upon a finding that an animal will be suitably confined until the spay or neuter process, the Animal Control Supervisor may order impoundment in the owner's home under such rules as have been previously established in writing for the animal shelter where the animal has been impounded.

Section 4. Section 3-14, Subsection (4) Monroe County Code, (Chaining and tethering animals prohibited) shall be created to read as follows:

(4) Temporary Exception. A dog may be tethered to allow for the cleaning of the dog's enclosure or while the owner is outside with the dog and is in visual contact of the animal at all times to prevent injury to the dog.

Section 5. Section 3-27, Subsection (2) Monroe County Code, shall be amended as follows:

Sec. 3-27. Impounding, redeeming by owner, disposition of unredeemed dogs and cats.

(2) Disposal of Unredeemed Animals: Fees. After a period of confinement of five (5) days, those animals not claimed may be disposed of through approved humane agencies, or otherwise in a humane manner. Animals shall be released to owners on presentation of proof of ownership and after proper inoculation, licensing and payment of fees, including a \$500 fine if the animal was at large and is unneutered, or sterilization of said animal prior to release.

Section 6. Section 3-28, Monroe County Code, shall be amended as follows:

Sec. 3-28. Number of Dogs, cats, ferrets restricted and birds allowed.

(1) The number of dogs, cats, and ferrets are not restricted as long as animals are properly licensed, vaccinated, housed and cared for, do not cause a nuisance, and other housing or association rules are complied with.

(+ 2) Any number of birds may be kept as long as they are adequately and humanely cared for, their noise does not reasonably intrude into the domain of other persons, and their keeping does not create any threat to the health and safety of the public due to unsanitary conditions.

Section 7. SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

Section 8. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 9. INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 10. EFFECTIVE DATE. This ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the ____ day of _____, 2006.

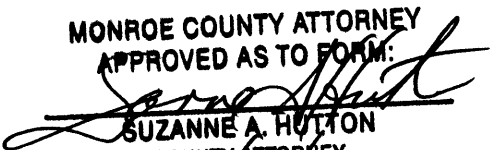
Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner Glenn Patton	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Mayor/Chairman

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 6/26/06

ORDINANCE NO. _____ -2006

AN ORDINANCE AMENDING CHAPTER 3, MONROE COUNTY CODE; PROVIDING FOR CHAINING OF DOGS; PROVIDING FOR CHANGES IN REQUIREMENTS OF SPAYING OR NEUTERING OF CATS AND DOGS AND ADDING THE REQUIREMENTS FOR RABBITS; PROVIDING FOR A REDUCTION IN THE FEES AND FINES WITH RESPECT TO UNSPRAYED/UNALTERED ANIMALS; PROVIDING AN INCENTIVE FOR PERMANENT IDENTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Monroe County Code Chapter 3 sets forth provisions regulating animals and animal owners and keepers in the interest of the health, safety and welfare of the citizens of Monroe County; and

WHEREAS, on March 16, 2006, the Board of County Commissioners passed Ordinance No. 006-2006; and

WHEREAS, residents and business owners of Key West have objected strenuously to some of the changes incorporated in Ordinance No. 06-2006; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Section 3-3(50), Monroe County Code, shall be amended to read as follows:

~~(50) **Wild animal** means any animal which is not a domesticated companion animal, or which is any crossbreed of wild animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to: any venomous snake, python or constrictor snakes, owls, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolf hybrids, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossum, beavers, ground hogs, moles, gophers, mice/rodents, bats, birds, and any related hr or feathered non-domesticated companion animals.~~

Section 2. Sub-section 3-5(6)(c) Monroe County Code, shall be amended to read as follows:

(c) The animal control officer shall dispose of impounded animals which are not claimed and released within:

(1) seven (7) days if the animal has been chipped or tattooed or wears a license or rabies tag, which chip, tattoo, rabies or license tag is registered with current information to facilitate contact of owner, or wears an identification tag with current information to facilitate contact of owner; or

(2) five (5) days if the animal is not able to be identified;

by one of the following methods:

(1) adoption by an individual person who meets adoption criteria for the animal;

or

(2) humane euthanasia under State statute if the animal is deemed unadoptable or cannot be placed within a reasonable time with a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter; or

(3) release to a duly recognized service provider to the County, such as a licensed humane society or animal protection shelter.

However, if a dog or cat has a collar, license, or other evidence of ownership, the animal control officer shall notify the owner of the impoundment. Disposition of the animal shall then not be made until after five (5) days from the date of ~~mailing a written notice~~ confirmed delivery of a certified mailing or notice of non-pick-up of the certified mail, unless the owner has, prior to the end of the five (5) days, redeemed the animal or relinquished in writing ownership of the animal. The animal control supervisor shall maintain a record of when the animal was acquired and under what circumstances. This record shall also indicate the date of notice sent to the owner of an animal and any subsequent disposition of the animal. This section does not apply to animals which are sick or injured to the extent that the holding period would cause the animal to suffer. Regulations regarding the sale of animals from the animal protection shelter and boarding and other charges shall be posted in a conspicuous place at the animal control shelter. The bodies of all animals destroyed at the animal control shelter or elsewhere in the county shall be disposed of by the animal control officer in a manner approved by the Monroe County Health Department and the Board of County Commissioners. Any animals voluntarily relinquished to the animal control shelter by their owners for disposition (not boarding), need not be kept for the minimum period of five (5) days before release or disposal of the animal by the animal control officer.

Section 3. Sub-section 3-5(6)(e) Monroe County Code, shall be amended to read as follows:

(e) In response to a complaint of an animal at large or there being a clear indication of "animal in distress" as defined by Section 828.12, Florida Statutes, ~~t~~The animal control officer is authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (excepting entry into the private areas of buildings or enclosures constructed to provide privacy, unless in possession of a Search Warrant) for the purpose of inspecting those premises to determine if the owners of dogs, cats or

animals harbored, kept or possessed on the premises have complied with the provisions of this Chapter. The animal control officer is authorized and empowered to issue a citation to the owner of any dogs, cats or ferrets for whom no license has been procured in accordance with this Chapter or for any other violation of this Chapter. The provisions of this subsection shall include, but not be limited to, investigation of, and seizure for, cruelty to animals, and investigation and seizure of vicious or dangerous animals.

Section 4. Sub-section 3-8(1) Monroe County Code, shall be amended to read as follows:

(1) Any person who owns or keeps in Monroe County a dog, cat or ferret ~~four (4)~~ six (6) months of age or older shall cause the animal to be licensed upon establishing residency in Monroe County or upon reaching the age of ~~four (4)~~ six (6) months ~~and thereafter as conforms to the current status of the rabies vaccination~~. A license shall consist of a license certificate and a license tag for the animal's collar. License certificates and license tags may be issued only by the animal control supervisors and licensed veterinarians upon proof that the animal has been inoculated against rabies as required by law and shall be valid for the number of years which the rabies vaccination covers. No license certificate or license tag issued by any other jurisdiction shall be valid in Monroe County.

Section 5. Section 3-13 Monroe County Code, shall be amended to read as follows:

Sec. 3-13. Neutering of dogs, ~~and cats, and rabbits.~~

(1) *Required Spay and Neutering.* No person in Monroe County shall own, possess, or have control or custody of a dog, ~~or cat, or rabbit~~ four (4) six (6) months of age or older which is not spayed or neutered except for those animals for which an exemption license has been issued.

(2) *Licensed Exemptions.* Owners and keepers of dogs, ~~and cats and rabbits~~ who do not want their animals spayed or neutered, regardless of the reason, shall obtain an annual license from their local Animal Control Office of Monroe County. The annual fee for this license shall be ~~\$500~~ \$35 per animal.

(3) *Spay, Neuter or License for Exemption Required.* No dog, ~~or cat, or rabbit~~ which is ~~four (4) six (6)~~ months of age or older shall be released by any County Animal Control officer to an owner or keeper unless said animal is spayed or neutered or licensed to be exempt from the spay/neuter requirement. A dog, ~~or cat or rabbit~~ requiring spaying or neutering may be released to the veterinarian of the owner's choice to be spayed or neutered at the owner's expense. ~~Upon a finding that an animal will be suitably confined until the spay or neuter process, the Animal Control Supervisor may order impoundment in the owner's home under such rules as have been previously established in writing for the animal shelter where the animal has been impounded.~~

(4) *Unaltered animal at large fines.* If an animal which has not been spayed/neutered is picked up by animal control or brought into the shelter by any other person, there will be a fine which will be waived if the owner or assigned caregiver agrees to alter the animal prior to leaving the shelter and the animal shall not be released to the owner unless the owner allows the animal shelter to arrange for the animal to be spayed or neutered. If the owner desires to have the animal's regular veterinarian perform the procedure, the owner

shall sign a contract with the animal control supervisor that the animal will be spayed/neutered and proof returned to the animal control supervisor of the spay/neuter being within fifteen days of release of the animal to the owner. If the owner chooses to keep animal intact and has a license there be a fine for each offense.

(5) Prior to birth of a litter of dogs, cats, or rabbits, the owner of the pregnant animal shall register with the animal control supervisor in the area in which the owner is located information regarding the litter. The owner shall pay a County litter registration fee. Owners of animals having unregistered litters will be charged a fine which will be waived if the owner/caregiver agrees to have the litter and breeding mother altered.

Section 6. Section 3-14, Monroe County Code, shall be amended to read as follows:

Sec. 3-14. Chaining and tethering animals ~~prohibited.~~

~~(1) Chaining to stationary objects. No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to dog houses or any other stationary objects.~~

~~(2) Chaining on private property in general. No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to any object, stationary or otherwise, while said animal is on the property of the owner, the owner's landlord, or any other property in Monroe County.~~

~~(3) Confinement. Any dog confined within a fenced yard or pen shall be provided a minimum area of 150 square feet per dog within such enclosure for exercise. For properties which are not fenced, there shall be an enclosure made of chain link or similar fencing materials, with all four sides closed. The enclosure shall be of sufficient height to prevent the dog from escaping.~~

~~restricted.~~

Restraint by chaining or tethering may be used provided the following conditions are met:

- (1) The chain or tether shall not weigh more than 1/8 of the animal's body weight;
- (2) The chain or tether shall be at least ten (10) feet in length with swivels on both ends;
- (3) The chain or tether shall be attached to a properly fitted collar or harness worn by the animal; and
- (4) The animal, while restricted to chain or tether, is able to access shelter with floor, three walls, and roof to protect itself from inclement weather, extreme temperature and sunlight, and has access to sufficient wholesome food and water.

Section 7. Sub-sections 3-20(2)(b) through (e), Monroe County Code, shall be amended to read as follows:

(b) Anyone in possession of a Wild or Exotic Animal, as defined and regulated by federal or State statutes, or a crossbreed of a Wild Animal or Exotic Animal with a Domestic Animal, shall meet the following requirements to keep the animal:

~~(i) Obtain a permit from the animal control officer within 90 days from the publication of this Ordinance. Permits shall be valid for one year from the date of issue, will be renewed if the Owner is in compliance, and will be revoked at any time for noncompliance.~~

~~(ii) Keep the animal in a tightly secured cage or pen and restrained at all times. The animal must be muzzled or caged when transported.~~

~~(iii) Provide to the animal control officer written proof from a licensed Veterinarian that the animal has been spayed or neutered, or written statements from a licensed veterinarian why the Animal cannot or should not be spayed or neutered.~~

(i) Obtain and keep current a permit from the Florida Fish and Wildlife Conservation Commission for the keeping, possessing or exhibiting of a Wild or Exotic Animal;

(ii) The keeping or possessing of a wild or exotic animal shall comply with zoning restrictions; and

(iii) The animal shall be adequately restrained so as to protect the public from any harm.

~~(e) Instructions for Obtaining a Permit to Possess a Wild Animal.~~

~~(i) Submit to the animal control officer a site plan and drawing that will include property lines, existing structures and buildings and the location and size of the proposed cage or pen. The area and materials used must be in compliance with standards set by the animal control officer, and based upon the size and nature of the animal.~~

~~(ii) File an application for permit and the appropriate fee.~~

~~(iii) Show proof that liability insurance coverage is in place, specifically stating that the animal is covered.~~

~~(iv) Allow the animal Control officer freedom to inspect the area as necessary to assure the health and safety needs are being met.~~

~~(v) Submit proof of being in compliance with all other local governmental unit laws and ordinances concerning the keeping of Wild Animals or Exotic Animals.~~

~~(d) Permit. Upon approval of an application to own or possess a Wild Animal, the animal control officer shall issue a permit.~~

~~(ec) Hearing and Disposition. When an animal control officer has reason to believe that an individual possesses an un-permitted Wild or Exotic Animal, the officer shall submit a report to the Office of the County Attorney. The County Attorney shall decide whether or not to petition the Court for a show cause hearing to determine the animal's status as a Wild or Exotic animal. If an Animal is determined to be wild or exotic by the court, the individual possessing the animal shall immediately comply with the restraint and insurance requirements set forth in this Ordinance. At any time following the judge's decision, if an animal control officer believes any Wild or Exotic Animal has not been adequately restrained, the animal may be immediately taken into custody and held in a safe and humane manner until the owner can demonstrate compliance. Any individual whose animal has been so held by the animal control officer shall be responsible for the costs incurred as a result of failure to comply with this Ordinance.~~

Any person possessing a Wild or Exotic Animal shall have fourteen (14) calendar days following the court's decision to fully comply with this Ordinance. After fourteen (14) calendar days if that person has not so complied, an animal control officer shall issue that person a citation for violating this Chapter. The citation shall require an appearance

before a judge and may result in the court-ordered destruction of the Wild or Exotic Animal, or other disposition, at the cost of the owner.

Section 8. Sub-section 3-24(3)(c)(iii) Monroe County Code, shall be added to read as follows:

Sec. 3-24. Enforcement; fines.

(3) *Punishment.*

(c) If the party cited does not contest the citation, the penalty given shall be one hundred dollars (\$100.00) except as follows:

(iii) For violation of the litter registration requirement, in addition to the \$100 fine for a first offense and \$250 fine for a second offense, the following additional penalty and waiver apply:

- (1) A \$500 fine for the third and every subsequent offense; and
- (2) Waiver of the fine of \$100 if resolution of the first offense includes the animal being spayed or neutered subsequent to giving birth to the litter.

(iv) For violations of Section 3-13(4) , the owner shall be fined an additional \$100 per offense unless the owner agrees to have the animal altered as provided in that sub-section.

Section 9. Sub-section 3-27(2)(Monroe County Code, shall be amended to read as follows:

Sec. 3-27. Impounding, redeeming by owner, disposition of unredeemed dogs and cats.

(2) Disposal of Unredeemed Animals: Fees. After a period of confinement of five (5) days, those animals not claimed may be disposed of through approved humane agencies, or otherwise in a humane manner. Animals shall be released to owners on presentation of proof of ownership and after proper inoculation, licensing and payment of fees, including a \$100 fine if the animal was at large and is unneutered, or sterilization of said animal prior to release. This fine will be waived if the owner/caretaker agrees in an enforceable contract to alter animal prior to leaving shelter.

Section 10. Sub-section 3-28, Monroe County Code, shall be amended to read as follows:

Sec. 3-28. Number of Dogs, cats, ferrets ~~restricted~~ and birds allowed.

(1) The number of dogs, cats, and ferrets are not restricted as long as animals are properly licensed, vaccinated, housed and cared for, do not cause a nuisance, and other housing or association rules are complied with.

(+ 2) Any number of birds may be kept as long as they are adequately and humanely cared for, their noise does not reasonably intrude into the domain of other persons, and

their keeping does not create any threat to the health and safety of the public due to unsanitary conditions.

Section 11. SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

Section 12. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 13. INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 14. EFFECTIVE DATE. This ordinance shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21st day of June, 2006.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem Dixie Spehar _____
Commissioner George Neugent _____
Commissioner Glenn Patton _____
Commissioner David P. Rice _____

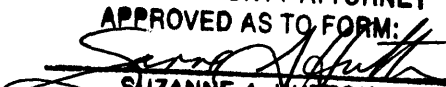
(Seal)

Attest:DANNY L. KOLHAGE, Clerk

By: _____
DEPUTY CLERK

BOARD OF COUNTY
COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 6/29/06

RESOLUTION NO. ____-2006

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION NO. 261-2005 TO PROVIDE CHANGES TO DOG, CAT & FERRET LICENSE FEES.

WHEREAS, Resolution No. 261-2005 was passed by the Board of County Commissioners (BOCC) to require the issuance of a dog license to correspond with the length of effectiveness of the rabies vaccination actually administered; and

WHEREAS, the BOCC has passed Ordinance No. 006-2006 requiring licensure of dogs, cats and ferrets; and

WHEREAS, the BOCC has determined that it is in the best interests of the public to change Chapter 3 of the Monroe County Code to also require licensure of ferrets and to change the age at which licenses are required to conform licensure to the State rabies vaccination laws; and

WHEREAS, the BOCC has determined that there is no public concern about the fact previously found by the BOCC that calls for pick up of un-neutered and unsprayed dogs at large exceed such calls for dogs who have been neutered or spayed; and

WHEREAS, it is desired to reduce the angst of pet owners who do not keep their pets from roaming at large;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, that:

1. Resolution No. 261-2005 is hereby repealed.
2. Fees shall be collected for the following services as specified:

	<u>SERVICE</u>	<u>FEE</u>
A.	Pick-up*:	
	(1) First Time	\$ 25
	(2) Second Time	\$ 50
	(3) Third and each additional time within a 12-month period	\$100
	*The above pick-up fees shall be doubled if the animal picked up was not vaccinated for rabies.	
	<u>(4) Unaltered animal at large fines/ exemption license. If an unaltered animal comes into the shelter, either by being picked up or brought in, there will be an additional \$100 fine for the fact that it is unaltered and that fine will be waived if owner or assigned caretaker agrees to alter the animal prior to leaving the shelter.</u>	
B.	Boarding-(per night)	\$ 10
C.	Adoption	\$10
D.	Disposal	\$10

E. County License: ONE YEAR ~~THREE YEAR~~ PER YEAR*

(1) Dogs:

(a) Animal is spayed/neutered or under 6 months of age \$10

(b) Animal is not spayed/neutered and 6 months of age or older \$35

(2) Cats:

(a) Animal is spayed/neutered or under 6 months of age \$10

(b) Animal is not spayed/neutered and 6 months of age or older \$35

(3) Ferrets: \$ 6

(3)-(4) Replacement \$ 2

(5) Dogs and cats with microchips or other means of permanent identification and with registration to the County or a national identification service current to the owner, shall receive a \$5 discount from the annual license fee.

* Licenses are to be issued on an annual basis. However, any three-year license previously issued in conformity to a three-year rabies vaccine and pursuant to Res. 261-2005 shall remain in effect until its natural expiration date.

F. Dangerous Dog Certificate of Registration

(1) First year \$100

(2) Annual Renewal \$ 50

G. Litter Registration, per litter \$ 50

Litter registration is required before birth. The owner of a pregnant animal shall be assessed a litter fee of \$50 for each litter. If the litter is not registered, there will be \$100 fine for first offense, \$250 fine for second offense, \$500 fine on third offense. At the first offense, the fine of \$100 will be waived if owner/caretaker agrees to alter the litter and breeding mother.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of the Board held on the ____ day of _____, 2006.

Mayor McCoy _____
Mayor Spehar _____
Commissioner Neugent _____
Commissioner Patton _____
Commissioner Rice _____

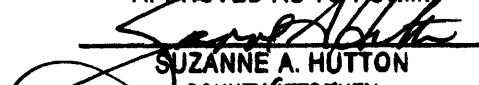
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

(Seal)
Attest: DANNY L. KOLHAGE, Clerk

By: _____
Deputy Clerk

By: _____
Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 6/09/06

ANIMAL ORDINANCE PROPOSED AMENDMENT COMPARISON

	<u>Amendment</u>	<u>Alternate Version</u>
<u>Section 3-3(50)</u>		
~ Deletes " Wild Animal means any animal which is not a domesticated companion animal, or which is any crossbreed of wild animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to: any venomous snake, python or constrictor snakes, owls, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolf hybrids, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossum, beavers, ground hogs, moles, gophers, mice/rodents, bats, birds, and any related hr or feathered non-domesticated companion animals.	-	Y
<u>Section 3-5(6) (c)</u>		
~Changes from seven (7) days to " <u>five (5)</u> " days for disposition of animals impounded	Y	-
~ Adds " <u>(1) seven (7) days if the animal has been chipped or tattooed or wears a license or rabies Tag, which chip, tattoo, rabies or license tag is registered with current information to facilitate contact of owner, or wears an identification tag with current information to facilitate contact of owners; or</u> "	-	Y
~Adds " <u>(2 five (5) days if the animal is not able to be identified</u>	-	Y
<u>Section 3-5(6)(e)</u>		
~Adds " <u>enclosures constructed to provide privacy</u> "	Y	Y
~Adds " <u>In response to a complaint of an animal at large or there being a clear indication of "animal in distress" as defined by Section 828.12, Florida Statutes, tF</u>	-	Y
<u>Section 3-8(1)</u>		
~Changes four (4) to " <u>six (6)</u> " months of age (line 1)	-	Y
~Changes four (4) to <u>six (6)</u> months (line 3)	-	Y
~Deletes and thereafter as conforms to the current status of the rabies vaccination. ²	-	Y
<u>Section 3-13</u>		
~Adds " <u>and rabbits</u> "	-	Y
<u>Section 3-13(1)</u>		
~Adds " <u>and those animals for which a veterinarian's certificate of exemption for health reasons, meeting the requirements of subsection (3), has been provided to the local animal control supervisor</u> "	Y	-
~Adds " <u>or rabbits</u> "	-	Y
~Changes four (4) to " <u>six(6)</u> " months of age	-	Y

	<u>Amendment</u>	<u>Alternate</u>
Section 3-13(2)		
~Deletes regardless of the reason	Y	-
~Changes \$500 to "\$100" per animal	Y	-
~Adds " <u>and rabbits</u> "	-	Y
~Changes \$500 to \$35" per animal	-	Y
~Adds " <u>The animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner.</u> "	Y	-
Section 3-13(3)		
~Changes " <u>(3) Veterinarian Certified Exemption. Owners and keeper of a dog and cat for which a veterinarian licensed to practice veterinary medicine by the State of Florida has certified in writing that a procedure to spay or neuter the animal would be injurious to the animal's health because of it's age, infirmity, disability, illness, or other medical considerations shall be exempt from the spay/neuter exemption license fee for such time as is covered by the veterinarian certificate, provided said certificate is filed with the animal control supervisor. The animal shall be kept in an enclosed building or kennel, and when outside of said enclosure shall be under the direct control of the owner, until the animal is spayed or neutered.</u> "	Y	-
~Re-numbered (3) to "(4)"	Y	-
~Adds " <u>or rabbit</u> " (Lines 1 and 4)	-	Y
~Changes four (4) to <u>six(6)</u> months	-	Y
~Deletes language Upon a finding that an animal will be suitably confined until the spay or neuter process, the Animal Control Supervisor may order impoundment in the owner's home under such rules as have been previously established in writing for the animal shelter where the animal has been impounded.	-	Y
~Adds " <u>(4) Unaltered animal at large fines. If an animal which has not been spayed/neutered is picked up by animal control or brought into the shelter by any other person, the animal shall not be released to the owner unless the owner allows the animal shelter to arrange for the animal to be spayed or neutered. If the owner desires to have the animal's regular veterinarian perform the procedure, the owner shall sign a contract with the animal control supervisor that the animal will be spayed/neutered and proof returned to the animal control supervisor of the spay/neuter being within fifteen days of release of the animal to the owner.</u> " *	-	Y
*Adds to the end of Paragraph (4): * " <u>If the owner chooses to keep animal intact and has a license there will be a fine for each offense.</u> "	-	Y
~Adds " <u>(5) Prior to birth of a litter of dogs, cats, or rabbits, the owner of the pregnant animal shall Register with the animal control supervisor in the area in which the owner is located information Regarding the litter. The owner shall pay a County litter registration fee.</u> "	-	Y
*Adds to the end of Paragraph (5): * " <u>Owners of animals having unregistered litters will be charged a fine which will be waived if the owner/caregiver agrees to have the litter and breeding mother altered.</u> "	-	Y

	<u>Amendment</u>	<u>Alternate Version</u>
--	------------------	--------------------------

Section 3-14

~~~Deletes "prohibited".~~

-

Y

~~~Deletes "(1) *Chaining to stationary object.* No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to dog houses or any other stationary objects.~~

-

Y

~~~Deletes "(2) *Chaining on private property in general.* No owner of one or more dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall allow any of said dogs to be tied or chained to any object, stationary or otherwise, while said animal is on the property of the owner, the owner's landlord, or any other property in Monroe County."~~

-

Y

~~Deletes "(3) *Confinement.* Any dog confined within a fenced yard or pen shall be provided a Minimum area of 150 square feet per dog within such enclosure for exercise. For properties which are not fenced, there shall be an enclosure made of chain link or similar fencing materials, with all four sides closed. The enclosure shall be of sufficient height to prevent the dog from escaping."~~

-

Y

~~~Adds "*Restraint by chaining or tethering may be used provided the following conditions are met:*~~

-

Y

~~*(1) The chain or tether shall not weigh more than 1/8 of the animal's body weight;*~~

~~*(2) The chain or tether shall be at least ten (10) feet in length with swivels on both ends;*~~

~~*(3) The chain or tether shall be attached to a properly fitted collar or a harness worn by the animal;*~~

~~*(4) The animal, while restricted to chain or tether, is able to access shelter with floor, three walls, and roof to protect itself from inclement weather, extreme temperature and sunlight, and has access to sufficient wholesome food and water.*~~

Section 3-14(4)

~~~Adds "*(4) Temporary Exception. A dog may be tethered to allow for the cleaning of the dog's Enclosure or while the owner is outside with the dog and is in visual contact of the animal at all Times to prevent injury to the dog.*"~~

Y

-

### Section 3-20(2)(b)

~~~Adds "*or Exotic*" and "*as defined and regulated by federal or State statute*"~~

-

Y

~~~Deletes Animal~~

-

Y

~~~Deletes:~~

~~"(i) Obtain a permit from the animal control officer within 90 days from the publication of this Ordinance. Permits shall be valid from ne year fro the date of issue, will be renewed if the Owner is in compliance, an will be revoked at any time for nonecompliance.~~

-

Y

~~"(ii) Keep the animal in a tightly secured cage or pen and restrained at all times. The animal must be muzzled or caged when transported.~~

-

Y

~~"(iii) Provide to the animal control officer written from a licensed Veterinarian that the animal has been Spayed or neutered, or written statements from a licensed veterinarian why the Animal cannot or should not be spayed or neutered.~~

-

Y

Section 3-20(2)(b) (Cont.)

~ Adds:

"(i) Obtain and keep current a permit from the Florida Fish and Wildlife Conservation Commission for the keeping, possessing or exhibiting of a Wild or Exotic Animal;(ii) The keeping or possessing of a wild or exotic animal shall comply with zoning restrictions; and(iii) The animal shall be adequately restrained so as to protect the public from any harm.

~Deletes (e) Instructions for Obtaining a Permit to Possess a Wild Animal. —

~Deletes (i) Submit to the animal control officer a site plan and drawing that will include property lines, existing structures and buildings and the location and size of the proposed cage or pen. The area and materials used must be in compliance with standards set by the animal control officer, and based upon the size and nature of the animal.

~Deletes (ii) File an application for permit and the appropriate fee.

~Deletes (iii) Show proof that liability insurance coverage is in place, specifically stating that the animal is covered.

~Deletes (iv) Allow the animal Control officer freedom to inspect the area as necessary to assure the Health and safety needs are being met.

~Deletes (v) Submit proof of being in compliance with all other local governmental unit laws and Ordinances concerning the keeping of Wild Animals or Exotic Animals.

~Deletes (d) Permit. Upon approval of an application to own or possess a Wild Animal, the animal Control officer shall issue a permit. —

~Changes (e) to (c) and adds "or Exotic" to Lines 2, 4, 7, 11 and 14/15)**Amendment Alternate Version**

| | |
|---|---|
| - | Y |
| - | Y |
| - | Y |
| - | Y |
| - | Y |
| - | Y |
| - | Y |
| - | Y |
| - | Y |
| - | Y |

Section 3-24(3)(c)(iii)~Adds (iii) For violation of the litter registration requirement, in addition to the \$100 fine for a first offense and \$250 fine for a second offense, the following additional penalty and waiver apply:(1) A \$500 fine for the third and every subsequent offense; and(2) Waiver of the fine of \$100 if resolution of the first offense includes the animal being spayed or Neutered subsequent to giving birth to the litter³.

| | |
|---|---|
| - | Y |
|---|---|

Section 3-24(3)(c)(iv)~Adds "(iv) For violations of Section 3-13(4), the owner shall be fined an additional \$100 per offense Unless the owner agrees to have the animal altered as provided in that sub-section."

| | |
|---|---|
| - | Y |
|---|---|

Section 3-27(2)~Adds "including a \$500 fine if the animal was at large and is unneutered, or sterilization of said animal prior to release."~Adds "a \$100 fine if the animal was at large and is unneutered, or sterilization of said animal prior to release"~*Adds to end of Paragraph (2) *This fine will be waived if the owner/caretaker agrees in an enforceable contract to alter animal prior to leaving shelter.

| | |
|---|---|
| Y | - |
| - | Y |
| - | Y |

Section 3-28(1)

~Adds "*The number of dogs, cats, and ferrets are not restricted as long as animals are properly licensed, vaccinated, housed and cared for, do not cause a nuisance, and other housing or association rules are complied with.*"

~Renumbered (1) to "(2)"

Amendment Alternate Version

Y

Y

Y

Y

THE HUMANE SOCIETY OF THE UNITED STATES

 search

Pets

Wildlife

Farm Animals

Marine Mammals



Animals in Research

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THE HUMANE SOCIETY

HSUS >> Legislation and Laws >> State Legislation



Florida

ooo

State

Status: Pending

Save the Voter's Voice—Oppose a Supermajority Requirement

Bill Number: not yet assigned

HSUS Position: Oppose

In the last legislative session, efforts were launched in the Florida legislature to curtail the rights of Florida's citizens by restricting their ability to seek the approval or disapproval of all citizens on an issue. One of these methods was to require a supermajority for a ballot issue to pass—as opposed to the current simple majority. Legislators are attempting to further isolate themselves from the citizens they represent by severely restricting one of the few remaining aspects of fair and open democracy. The HSUS and other animal protection groups have been able to make tremendous strides for animals through citizen's initiatives. For example, in 2000, Florida voters approved a citizen initiative that halted the intensive confinement of pigs in "gestation crates."

In November, 2006 the issue of a supermajority requirement will be placed on the ballot in Florida. Please vote to oppose this requirement and keep the citizen initiative process unharmed.

» Download a factsheet on this initiative (PDF).

State

Status: Passed Senate

FL H.B. 125 & S.B. 208 Voter Registration with Hunting Permits

Bill Number: H.B. 125 & S.B. 208

HSUS Position: Oppose

Requires voter registration applications to be displayed at each location where hunting, fishing, or trapping licenses or permits are sold and that applicants for hunting, fishing, or trapping licenses or permits be asked if they would like a voter registration application.

State

Status: Died

FL H.B. 1459 & S.B. 990 Regulation of Reptiles as Pets

Bill Number: H.B. 1459 & S.B. 990

HSUS Position: Support

Allows the state Fish and Game Conservation Commission to create rules and regulations for the private possession, purchase, and sale of regulated reptiles.

Finder

State

Status: Passed Senate

FL H.B. 265 No Loss of Hunting Lands**Bill Number: H.B. 265****HSUS Position: Oppose**

Requires certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purposes of hunting. This bill requires the commission to:

- Support, promote, and enhance hunting opportunities.
- Provide comparable acreage for any loss of existing hunting lands.
- Allow certain lands to be used for the purpose of hunting.
- Submit annual reports to the commission and state legislature.

State

Status: Died

FL H.B. 545 & S.B. 1484 Emergency Shelters for Pets**Bill Number: H.B. 545 & S.B. 1484****HSUS Position: Support**

Requires each region of the state to have at least one emergency shelter space that will accept evacuees with pets and provide school locker rooms as pet evacuation facilities. Outlines requirements for pets housed in shelters.

State

Status: Died

FL H.B. 563 & FL S.B. 1950 Juvenile Cruelty to Animals Task Force**Bill Number: H.B. 563 & S.B. 1950****HSUS Position: Support**

Establishes a task force on juvenile cruelty to animals to look at current animal cruelty laws and the practices for rehabilitating juvenile offenders so they do not commit further acts of animal cruelty.

State

Status: Signed into Law

FL H.B. 7121 Animals in Disasters**Bill Number: H.B. 7121****HSUS Position: Support**

A comprehensive emergency planning bill that includes evacuation and sheltering provisions for people with pets and requires that a person with special needs must be allowed to bring his or her service animal into a special needs shelter.

State

Status: Died

FL S.B. 720 & H.B. 773 Limit the Citizen's Initiative Process**Bill Number: S.B. 720 & H.B. 773****HSUS Position: Oppose**

This bill is intended to restrict the initiative process in several ways including:

- Creating much stricter procedures for collecting and verifying signatures.
- Requiring signature gatherers to provide current government-issued photo identification cards.
- Creating felony level penalties for violating procedures such as submission deadlines and copying petition forms.

State **Status: Died**
FL S.B. 1156, S.B. 1436 & H.J.R. 7037 Limiting the Citizen Initiative Process
Bill Number: S.B. 1436
HSUS Position: Oppose

These bills limits the initiative process by requiring a supermajority vote for any constitutional amendment that would result in "significant spending" by the state. The determination of whether a proposed amendment would result in significant spending by state government would not be determined until the next regular legislative session following voter approval of a measure.

State **Status: Passed Senate**
FL H.B. 1029 Hunting and Trapping in State Parks
Bill Number: H.B. 1029
HSUS Position: Oppose

Repeals section of Florida wildlife regulations that prohibits hunting, trapping, and carrying a firearm on park property.

State **Status: Adopted**
FL S.B. 230 Greyhound Adoption Month
Bill Number: H.B. 230
HSUS Position: Support

Recognizes October 2006 as "Greyhound Adoption Month."

State **Status: Died**
FL S.B. 470 & S.B. 674 Pet Dealer Licensing and Inspection
Bill Number: S.B. 470 & S.B. 674
HSUS Position: Support

Requires all pet dealers to have a Department of Agriculture license and to display the license. Also requires that all pet dealers must be inspected annually.

State **Status: Died**
FL S.B. 1918 & H.J.R. 7165 Anti-Factory Farm Measure Removed From Constitution
Bill Number: S.B. 1918 & H.J.R. 7165
HSUS Position: Oppose

Removes language adopted after a successful ballot initiative in 2002 to ban gestation crates in Florida. Voters approved the measure to protect farm animals from cruel and intensive confinement.

S.B. 1918 and H.J.R. 7165 go directly against democratic principles in Florida. The citizens of Florida voted in favor of this amendment and the legislature is overstepping its authority by attempting to remove what was approved by voters. Please let your Senator know that you expect the legislature to uphold the vote of the citizens of Florida and oppose S.B. 1918 and H.J.R. 7165.

The following communities have either banned chaining, or have included tethering or chaining provisions in their animal protection ordinances. Click the headings below to see the language from the cities' ordinances or related articles (or scroll down to read all sections):

Communities that Prohibit Chaining

| | | |
|----------------------|--------------------|-------------------|
| Maumelle, Arkansas | New Orleans, LA | Lawton, Oklahoma |
| Tuscon, Arizona | Carthage, Missouri | Big Spring, Texas |
| Okaloosa, Florida | New Hanover, NC | Electra, Texas |
| Chatham Cty, Georgia | | |

Communities that Limit Chaining by Time

| | | |
|------------------------|------------------------|--------------------------|
| Los Angeles, CA | Wichita, Kansas | Canandaigua, NY |
| San Bernardino, CA | Jefferson County, KY | Albuquerque, NM |
| STATE of Connecticut | Louisville, Kentucky | Laurinburg, NC |
| Denver, Colorado | Baker, Louisiana | Scotland County, NC |
| Dania, Florida | East Longmeadow, MA | North Royalton, Ohio |
| Hollywood, Florida | Battle Creek, Michigan | Bartlesville, OK |
| West Palm Beach, FL | St. Paul, Minnesota | Multnomah Cnty, OR |
| Orange County, Florida | Creve Coeur, Missouri | Oak Ridge, Tennessee |
| DeKalb Cty, Georgia | Laurinburg, NC | Austin, Texas |
| Bloomington, Indiana | Camden, New Jersey | Northampton Cty, VA |
| Marion, Indiana | Lower Township, NJ | Norfolk, Virginia |
| Dodge City, Kansas | Ocean City, NJ | Smithfield, Virginia |
| Lawrence, Kansas | Sea Isle City, NJ | Virginia Beach, Virginia |
| Overland Park, Kansas | Wildwood, New Jersey | Linn, Wisconsin |
| Topeka, Kansas | Wildwood Crest, NJ | Racine, Wisconsin |

Communities that Permit Tethering if Other Conditions are Met

| | | |
|-----------------------|------------------------|-----------------------|
| Fairhope, Alabama | Noblesville, Indiana | Dennis Township, NJ |
| Little Rock, Arkansas | Terre Haute, Indiana | Catawba County, NC |
| Hemet, California | Baton Rouge, LA | Greenville, NC |
| Freemont, California | Ouichita, Louisiana | Bernalillo County, NM |
| San Diego, California | St. Charles Parish, LA | Oak Ridge, Tennessee |
| San Francisco, CA | Montgomery Cnty, MD | Allen, Texas |
| San Jose, California | Kansas City, Missouri | Richland Hills, Texas |
| DeKalb County, GA | Raytown, Missouri | Waco, Texas |
| Aurora, Illinois | Lincoln, Nebraska | Washington D.C. |

Communities that Prohibit Chaining

Maumelle, Arkansas

The ordinance, which is regarded as the first of its kind, prohibits tethering dogs to stationary objects, such as dog houses. In addition, it requires that dogs be provided with approved housing:

Confinement of Animals: From and after the passage of this Ordinance any

person owning animals whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure, or within a house, garage or other building in conformance with Maumelle Bill of Assurance or its successor. Animals shall not be tied or chained to dog houses, or other stationary objects, but must be in an approved enclosure. Sterilized cats are exempt from confinement.

The ordinance also mandates that dog enclosures must provide at least one hundred and fifty square feet of space for dogs over six months of age.

Tucson, Arizona

Tucson's ordinance does not apply solely to dogs. A person has thirty days once they are found chaining an animal to provide other means of confinement, as long as other conditions of confinement and care are being met.

Tucson Code Sec. 4-3(2) Tieouts (tethering) are prohibited. However, if an animal is found on a tieout, the owner of the animal may be permitted to keep the animal on the tieout for less than, but in no case more than, thirty (30) days from the discovery of the tieout. In determining whether to grant this permission, the enforcement agent may take into consideration the owner's past record with the subject animal and with other animals. In addition, this permission may be granted only on condition that the owner and the tieout, when found, are in compliance with all the applicable laws relating to animals, including the tieout provisions of former subsection (e) (2) which were as follows:

On a tieout, consisting of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. A tieout shall be so located as to keep the animal exclusively on the secured premises. Tieouts shall be so located that they cannot become entangled with other objects. Collars used to attach an animal to a tieout shall not be of a choke type. No tieout shall employ a restraint which is less than ten (10) feet in length.

Further, the grace period is null and void immediately if the owner and the Tieout are not, at any time during the grace period, in compliance with the afore-mentioned tieout provisions and all the other applicable laws relating to animals.

Non-compliance with any of the foregoing provisions in this subsection (e) (2) may result in the impoundment of the animal at any time. [Additional language requires a hearing]
(3) Temporary tethering for horses is exempt from the provisions of subsection (e)(2) above.

Sec. 4.97(2)

It shall be unlawful for any dog owned, possessed, kept, or harbored or maintained to be at large upon or about the private property of any person, including that of the owner of such dog. Confinement shall be accomplished by means of a fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or inside a house or other building, to keep the dog exclusively on the premises where secured. Tieouts are prohibited.

(3) Temporary tethering for horses is exempt from the provisions of Tucson Code, subsection 4-3(2)(e)(2).

Sec. 4-3(4). Any person violating the provisions of this section shall be

guilty of a misdemeanor.

Okaloosa, Florida (population 100,000)

Tethering dogs and cats is prohibited.

Sec. 5-28. Restraint and confinement to property. (d) Dogs or cats shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, fences or other stationary objects as a means of confinement to property.

Chatham County, Georgia

August 12, 2005

This ordinance prohibits the tethering of dogs and cats to any object, stationary or otherwise, in unincorporated areas of the county.

§ 22-139 Tethering.

It shall be prohibited in unincorporated Chatham County to retain or confine to property of dogs or cats in a manner achieved by stationary or non-stationary dog houses, barrels or other stationary object as such means of confinement within the property.

New Orleans, Louisiana

Stationary confinement by tethering considered cruel treatment.

Sec. 18-2.1

(a) Shelter and Care.

(1) Shelter must be sanitary, of sound construction, and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces, and standing water. It must have at least three sides and a weatherproof roof; have a solid sanitary floor, be adequately ventilated; provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter.

(2) Shelter must be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter.

(3) When outdoor temperatures reach freezing levels, all cats, dogs, and small domestic animals must be moved indoors or to an area that provides heat and shelter from the weather.

(4) All areas where animals are kept shall be cleaned regularly so that fecal matter is disposed of so not to attract insects or rodents, become unsightly or cause objectionable odor.

(5) An animal control officer may remove an animal that is living in conditions that do not meet standards outlined in 18-2.1. If modifications to the shelter or living area do not meet the standards within five business days, that animal becomes the property of the LA/SPCA.

(6) If multiple animals are present in one location, each animal must have a separate and clean food bowl. Each animal must have access to shelter and the owner must meet all standards as detailed in this section.

(b) Tethering. No animal shall be tethered as a primary means of stationary

confinement; stationary confinement by tethering shall be considered cruel treatment.

Carthage, Missouri

December 8, 1992 - Tethering dogs is prohibited.

Sec 4-7 (a) All dogs must be confined within a fenced area, unless on a leash not longer than six feet long. At no time may any dog be tied to or leashed to inanimate objects i.e. trees, posts, etc. (b) Persons found guilty of violating this section will be liable to fines ranging from: \$25.00 - \$200.00. However, if said dog has been spayed or neutered the fines may be reduced, upon provided proof.

New Hanover, North Carolina

Chaining or tethering dogs is prohibited. A chain or rope is not to be used in place of a leash when walking dogs.

Sec. 3.4 (d) Restraint: An animal is under restraint within the meaning of this chapter if it is controlled by means of a leash, or is sufficiently near the owner or handler to be under his direct control and is obedient to that person's command; or is on or within a vehicle being driven or parked; or is within a secure enclosure. Exceptions to restraint are as follows: Organized and lawful animal functions e.g. hunting, obedience training, field and water training, law enforcement training and/or in the pursuit of working or competing in those legal endeavors. When a dog is on the property of its owner or guardian it shall be secured when not supervised by a competent person. Ropes, chains, and the like shall not constitute adequate security under this ordinance.

Lawton, Oklahoma (population: 90,000)

This ordinance specifies that a dog may not be chained in his or her own yard.

A. No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's property or on the property of the dog owner's landlord.

B. Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least one hundred square feet. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the one hundred square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter

shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. (Ord. 90-18, 6/26/01)

Big Spring, Texas

Tethering is prohibited unless owner is outside with the dog and in visual contact with the dog.

The ordinance reads: "No person shall, at any time, fasten, chain or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the owner's property or on the property of the dog owners landlord. (Exception - A dog may be tethered to allow for the cleaning of the dog's enclosure or while the owner is outside with the dog and is in visual contact of the animal at all times to prevent injury to the dog.)

Any dogs confined within a fenced yard must have adequate space for exercise based on a dimension of at least 100 square feet. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the 100 square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of the enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair."

Electra, Texas

Tethering is prohibited, but dogs may be controlled by the hand-held use of a rope, leash, or chain.

Ordinance 96-9, Section 111, Restraint: A. 2. Dogs To Be Restrained—dogs shall not be allowed to run at large. All dogs must be restrained by some physical means; however, a dog shall not be considered at large when held or controlled by some person by means of a rope, leash, or chain. Dogs may not be tethered and the tethering of any dog shall be a violation of this chapter.

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Communities that Limit Chaining by Time

Los Angeles, California

August 3, 2005

This ordinance prohibits the tethering of dogs in most circumstances. A

<http://www.unchainyourdog.org/Laws.htm>

6/7/2006

limited period of tethering is allowed provided that certain conditions are met.

Sec. 53.70. Care and Maintenance of Dogs

D. Tethering. It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

- (1) The tethering shall not be for more time than is necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable period.
- (2) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least three (3) times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which tether is free from entanglement.
- (3) The dog must have access to food, water and shelter as described above.
- (4) The dog shall be monitored periodically.

This section shall not affect the use of appropriate electronic means of confinement.

San Bernadino, CA
February, 2006

Dogs may not be tethered for more than 12 hours a day to a stationary tether.

State of Connecticut
General Assembly, Committee Bill No. 6038

January Session, 2003

AN ACT CONCERNING THE CONFINEMENT AND TETHERING OF DOGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 53-247 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2003):

(a) Any person who overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another

animal or fails to supply any such animal with wholesome air, food and water, or confines or tethers such animal for an unreasonable period of time or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be done, or, having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection from the weather or abandons it or carries it or causes it to be carried in a cruel manner, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition, shall be fined not more than one thousand dollars or imprisoned not more than one year or both.

Denver, Colorado

Dogs may not be chained for a period longer than one hour on a chain less than six feet in length.

Sec. 8-131. Cruelty to animals prohibited. (b) It shall specifically be cruel, dangerous or inhumane for any person to: (3) Tether and leave, or permit to be left, unattended any animal on a leash, cord or chain of less than six feet in length for longer than one hour.

Dania Beach, Florida

July 26, 2005

This ordinance prohibits the chaining of dogs for longer than one hour in any 24-hour period and allows such tethering only under certain conditions.

Section 5-15. Dogs at large prohibited.

(b) It shall be a violation of this section for the owner of any dog to tie, chain, or otherwise tether a dog... outdoors; provided, however, that a dog may be temporarily tethered, tied or chained outdoors for a total period of time not exceeding one hour on any day between the hours of 9:00 am and 6:00 pm if accompanied by its owner or any person over the age of fifteen years. No dog shall be tethered, tied or chained outdoors at any time for purposes of training on any treadmill device. Dog owners must provide clean, safe and humane conditions for dogs which are outdoors on private property, which conditions include, but are not limited to, sufficient food and water, shelter from cold, heat and rain, with adequate shelter ventilation.

Hollywood, Florida

July 6, 2005

This ordinance prohibits the chaining of dogs between the hours of 10 a.m. and 5 p.m. and allows tethering during other times only under certain conditions.

Chapter 92.08 Animal Care; Manner of Keeping.

(C) Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of six (6) feet in

length and longer if appropriate for breed (i.e., Irish Wolfhound, Borzoi, Great Dane, St. Bernard, etc.). Choke type or prong type collars shall be used only while the animal is under the handler's direction control. Between the hours of 10:00 a.m. and 5:00 p.m., animals shall not be on a tether outdoors.

Orange County, Florida

July 12, 2005

This ordinance prohibits the chaining of dogs between the hours of 9 a.m. and 5 p.m. and during periods of extreme weather. Tethering is allowed during other times only under certain conditions.

Section 5-29. Definitions.

Restraining Device shall mean a chain, cord, or cable, with a minimum length of ten feet, used to confine an animal on an owner's property. This device must provide for humane, unrestrained range of movement for the animal to insure that the animal is not exposed to hazard or injury and shall not prevent the animal from having food, water, shelter, adequate ventilation, protection from the elements or other care generally considered to be normal and usual. This device shall be proportional in size, weigh no more than 1/8 of the dog or puppy's body weight, and designed for use with the specific breed of animal with an appropriate collar. These devices shall not be used to confine a dog on an owner's property between the hours of 9:00 am and 5:00 pm, 365 days a year and during times of extreme weather, e.g., hurricanes, below freezing conditions.

West Palm Beach, Florida

Dogs may not be chained between 10:00 am and 5:00 p.m. year-round.

News Story

Ordinance No. 2003-029
August 19, 2003

Animals may not be tethered outdoors between 10 a.m. and 5 p.m.

All tethers must be at least 6 feet in length and may not be attached to choke- or prong-type collars unless the animal is under the handler's direct control.

DeKalb County, Georgia

July, 2004 - News Story

Any animal that is housed outside of its owner's house shall be housed in a proper enclosure. The owner shall also ensure that the proper enclosure contains at least 100 square feet of open space.

Tethering of an animal is prohibited.

As a secondary means of restraint to a proper enclosure, an animal may be attached to a running cable line or trolley system providing that:

- A running cable line or trolley is set inside a proper enclosure;
- Only one animal may be attached to each running cable line or trolley system;
- No animal may be attached to a running cable line or trolley system for more than 12 hours in a twenty-four hour period;
- No animal may be attached to a running cable line or trolley system between the hours of 10 p.m. and 6 a.m.;
- Tethers and cables attaching the animal to the running cable line or trolley system must be made of a substance which cannot be chewed by the animal;
- A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the animal;
- The running cable line or trolley system must be at least ten feet in length and mounted at least four feet and no more than seven feet above ground;
- The length of the tether from the running cable line or trolley system to the animal's collar should allow access to the maximum available exercise area and allow the animal free access to food, water, and shelter;
- Be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog's throat through which two fingers may fit; and
- Be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury or strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

Bloomington, Indiana December 23, 2005

This ordinance prohibits the tethering of animals for more than 10 continuous hours and for more than 12 total hours in any 24-hour period or for any period of time in conditions that threaten the health or well-being of the animal.

Chapter 7.36.050 General animal care.

(f) No chain or tether shall weigh more than 1/8 of the animal's body weight.

(g) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a stationary object or cable run. A person may not wrap a chain or tether around an animal's

neck. A chain or tether used to restrain an animal must, by design and placement, be unlikely to become entangled.

(i) It shall be unlawful for the owner/guardian of any animal to keep or maintain the animal on a tether for a period of more than ten (10) continuous hours and no more than twelve (12) hours in any twenty-four (24) hour period, or for any duration under conditions, which threaten the health, or well being of the animal.

Marion, Indiana

May 2006

This ordinance prohibits the tethering of animals for more than 3 hours in any 24-hour period.

13-2000: (J) Proper Restraints. No animal shall be tied or fastened by any rope, chain, or cord that is directly attached to the animal's neck. Restrained animals must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This is not to prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least twelve (12) feet of free length. If a chain is used, such chain shall not have a total weight of more than one-eighth of the restrained animal's body weight. All animals tethered on the owner's property shall not be able to get closer than three (3) feet from any fence or from another tethered animal.

No animal will be tethered for more than three (3) hours during any 24 hour period. Reasonable exercise will be provided for the animal by the owner. An animal in estrus shall not be restrained by rope, chain, or cord but shall be contained in a six-sided enclosure which prohibits the access of an animal of the opposite sex.

Dodge City, Kansas

Dogs may not be chained or tethered for more than an hour at a time, and chains must be at least ten feet in length.

News Story

Chapter 2-108. Tethering of dogs restricted.

It shall be unlawful for any person to continuously tether a dog for more than one continuous hour, except that tethering of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on tether per day.

(a) For the purpose of tethering a dog, a chain, leash, rope or tether shall be at least ten feet in length.

(b) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to tether a dog shall not weight more than one-eighth of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered.

(c) Dogs shall be tethered in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other manmade or natural obstacles.

(d) It is unlawful to attach chains, ropes or other restraints implements directly to a dog without the proper use of a collar, harness, or other device

designed for that purpose and made from a material that prevents injury to the animal..

Lawrence, Kansas

Dogs may not be chained for more than one hour at a time.

News Story

The proposed ordinance – based on one passed in Wichita – would prohibit people from keeping a dog chained for more than one hour at a time, for a maximum of three hours a day, with required three-hour breaks between chainings. Violations would result in a minimum fine of \$100, and the municipal judge would have the authority to sentence violators to six months in jail.

Overland Park, Kansas

Some relief from chaining must be granted.

Chap. 6.09.025 A. No owner, keeper or harborer of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that an owner must offer some freedom from continuous chaining, stabling and tethering. All restraints placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint. The area where animals are kept must also be kept free from unsanitary conditions and vermin-harboring debris.

Topeka, Kansas

January 18, 2005

This ordinance prohibits the tethering of dogs for more than one hour at a time and more than three total hours in any 24 hour period. Dogs must be taken off tethers for at least three continuous hours between tethering periods. Tethers must be at least 10 feet long, weigh no more than one-eighth of the dog's weight, attach to a proper collar or harness, and may not inhibit the dog's free movement or cause injury, strangulation, or entanglement. Dogs on tethers must have access to shade, shelter, and a tip-proof water supply. Dogs may not be tethered in areas open to teasing or attacks or where the ground becomes wet or muddy.

Section 18-4 (a): It shall be unlawful for any person to:

(5)(a) To attach chains or tethers, restraints or implements directly to a dog without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal.

(b) No person shall:

(1) Continuously tether a dog for more than one (1) continuous hour, except that tethering of the same dog may resume after a hiatus of three (3) continuous hours, for up to three (3) hours total time on tether per day; provided that for the purpose of tethering a dog, a chain, leash, rope or tether shall be at least ten (10) feet in length; or

(2) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than one eighth (1/8) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or

(3) Tether a dog on a choke chain or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles; or

(4) Tether a dog without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature falls below forty (40) degrees Fahrenheit, or to tether a dog without securing its water supply so that it cannot be tipped over by the tether; or

(5) Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from [sic] attack by other animals; or

(6) Tether an animal in an area where bare earth is present and no steps have been taken to prevent the surface from becoming wet and muddy in the event of precipitation.

Wichita, Kansas

Dogs may not be chained for more than one hour at time or more than three hours a day.

Section 6.04.040 Control and protection of animals in general.

(d) It is unlawful for any person to:

(13) Continuously picket a dog for more than one continuous hour, except that picketing of the same dog may resume after a hiatus of three continuous hours, for up to three hours total time on picket per day.

(e) For the purpose of picketing a dog, a chain, leash, rope, or tether shall be at least ten feet in length.

(f) A chain, leash, rope, collaring device, tether, or any assembly or attachments thereto used to picket a dog shall not weigh more than one-eighth of the animals body weight, or due to weight, inhibit the free movement of the animal within the area picketed.

(g) Dogs shall be picketed in such a manner as to prevent injury, strangulation, or entanglement on fences, trees, or other man made or natural obstacles.

(h) It is unlawful to attach chains or other tether restraint implements directly to a dog without the proper use of a collar, harness, or other device designed for that purpose and made from a material that prevents injury to the animal. (Ord. No. 45-784 § 1: Ord. No. 44-281 § 11)

Jefferson County, Kentucky

Chaining a dog for more than eight hours in a twenty-four hour period is

prohibited.

1. For all animals except puppies and dogs, restraint shall mean on the premises of the owner, or if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.
2. For puppies and dogs restraint shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under their direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person.
3. A dog or puppy may be restrained by a fixed point chain or tether for no more than eight hours in a twenty-four hour period.
4. A dog may be exclusively restrained by a chain or tether provided that it is at least ten feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted no more than seven feet above ground level.
5. Any tethering system employed shall not allow the dog or puppy to leave the owners property.
6. No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.
7. Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.
8. Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

(C)Any dog or cat which is impounded a second time for violation of restraint requirements within a twelve month period, the owner shall have the animal spayed or neutered within seven days of the redemption. Verification from the veterinarian performing the surgery shall be provided to the Division in writing within seven days of the surgery.

Louisville, Kentucky

Restraint

(2) For puppies and dogs restraint shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under their direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person.

(a) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain or tether. A fixed-point restraint may be used temporarily but not to exceed one (1) hour in a twenty-four (24) hour period.

Baker, Louisiana

Dogs may not be chained for more than one hour at a time.

News Story

New Orleans, Louisiana

June 20, 2002

Sec. 18-2.1. Minimum standards of care for animals (including fowl).

(b) Tethering. No animal shall be tethered as a primary means of stationary confinement; stationary confinement by tethering shall be considered cruel treatment.

Montgomery County, Maryland

Amendment to the existing State and County laws against cruelty to animals to include certain practices involving the unattended restraint of a dog.

Article II, Chapter 5, Sec. 5-201

I. Definitions. (C) "Tether" means attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. "Tether" does not include the use of a leash to walk a dog.

II. Prohibited Conduct. A person must not tether a dog under circumstances that endanger its health, safety, or well being, including: (A) tethering a dog by any means other than a harness; (B) tethering a dog between the hours of midnight and five a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane; (C) unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer; (D) using a tether that weighs more than 1/8 of the dog's bodyweight; (E) using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail; (F) tethering that unreasonably limits a dog's movement; (G) tethering under conditions where the dog or tether can become entangled on the tether or some other object; (H) tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter; (I) tethering in unsafe or unsanitary conditions; (J) tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or (K) tethering that causes injury, stress, or demonstrable socialization problems.

III. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in subsection II is proof that the dog was improperly, i.e., cruelly, tethered.

East Longmeadow, Massachusetts

May 1, 2006

This ordinance prohibits the outside confinement of dogs between the hours of 11 p.m. and 6 a.m. and allows the confinement of dogs outside for more than six total hours in any 24-hour period only when certain conditions are met.

9.025 Prolonged Confinement of Dogs Outside

(A) Prolonged Chaining or Tethering of Dogs is Prohibited. No person owning or keeping a dog in the town shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree for longer than six total hours in any twenty-four hour period. Nothing in this section

shall be construed as prohibiting a person from walking a dog on a hand-held leash.

(B) Permissible Outside Confinement.

A person owning or keeping a dog in the town may confine such dog outside for longer than six total hours in a twenty-four hour period through the used of any of the following three methods:

(1) A pen or secure enclosure, if the following conditions are met:

(a) The pen or secure enclosure has adequate space for exercise with a dimension of at least one-hundred square feet. Commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this requirement.

(b) The pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed.

(2) A fully fenced or otherwise securely enclosed yard wherein a dog has the ability to run but is unable to leave the enclosed yard.

(3) A trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:

(a) Only one dog may be tethered to each cable run.

(b) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for the purposes of tethering a dog to a cable run.

(c) There must be a swivel on at least one end of the tether to minimize tangling of the tether.

(d) The tether and cable run must be at least ten feet in length and mounted at least four feet but not more than seven feet above ground level.

(e) The length of the tether from the cable run to the dog's collar or harness must allow continuous access to water and appropriate shelter as described in paragraph (C) of this by-law. The trolley system or tether must be of appropriate configuration to confine the dog to the owner's property, to prevent the trolley system or tether from extending over an object or an edge that could result in injury or strangulation of the dog; and to prevent the trolley system or tether from becoming tangled

with other objects or animals.

(C) Access to Water and Shelter.

Any person owning or keeping a dog in the town confined outside in accordance with Paragraph (B) of this section must provide the dog with access to water and an appropriate dog shelter. The dog shelter must allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the dog's body heat and large enough to allow the dog to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter.

(D) No Outside Confinement at Night.

No person owning or keeping a dog in the town may leave a dog chained, tethered or confined outside between the hours of 11:00 p.m. and 6:00 a.m.

Battle Creek, Michigan

June 20, 2002

Sec. 18-2.1. Minimum standards of care for animals (including fowl).

(b) Tethering. No animal shall be tethered as a primary means of stationary confinement; stationary confinement by tethering shall be considered cruel treatment.

St. Paul, Minnesota

Saint Paul, Minnesota

November 3, 2004

This ordinance prohibits the chaining of dogs for more than two hours at one time, requires a minimum of a two-hour relief period between confinements, and limits the total hours of chaining allowed per day to eight. Tethers must be least three times the length of the animal and weigh no more than 10 pounds. Tethers must allow the dog access to shelter and water and can be used only in area where it will not become tangled around objects.

Chapter 200.17 (c) Chains, Kennels, Tethers and Tie outs: Chains, tethers or tie outs must be at least three (3) times the length of the animal secured to it and may not exceed ten (10) pounds in total weight. ... Any animal secured with a tie out must be so in area that would not allow the animal to become tangled around objects while allowing access to shelter and water. ... Animals restrained by a chain, tether, or other tie out device shall not be secured to any stationary object for more than two consecutive hours, with at least a two hour rest or relief period between each chaining, and no more than four two hour chaining periods in a 24 hour period.

Creve Coeur, Missouri

April, 2005 - Dogs may not be chained for more than eight continuous hours or more than 12 hours in a 24 hour period.

News Story

- Tethers must be at least 15 feet long with a swivel at both ends and must be attached by means of a properly fitting harness or collar of nylon or leather in proportion to the size of the animal.
- Leaving a dog or cat tethered outdoors for more than eight continuous hours or more than 12 hours in a 24-hour period is prohibited
- Tethering a dog or cat under conditions where the animal or tether can become entangled or where the tether restricts access to "suitable, edible, and sufficient food, clean water (cool in summer and unfrozen in winter) and appropriate shelter" is prohibited.
- Exposing a dog or cat to "any weather conditions that cause immediate imminent threat to the animal's physical well-being" is prohibited.
- Tethering a dog or cat outdoors in unsafe or unsanitary conditions or in a way that "does not allow the animal to defecate or urinate in an area separate from the areas where it must eat, drink, or lie down" is prohibited.

Camden, New Jersey

January 11, 2001

Animals may not be chained or tethered in any manner for more than two consecutive hours.

§ 210-45. Unlawful to chain or tether animals.

Animals shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, stakes, poles, fences, walls, or any other stationary objects outdoors or indoors as a means of confinement for more than two consecutive hours in any twenty-four-hour period.

Lower Township, New Jersey

April 19, 2004

This ordinance limits the chaining of dogs to nine hours in any 24-hour period. Tethers must be lightweight, at least 15 feet long, and tangle free. They must allow a dog to move freely and have access to a doghouse.

Section 166-1 (E) Chaining or Tethering of Dogs: Dogs must be able to move freely when chained or tethered and shall be confined for a period no greater than nine hours within a twenty-four hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitting harness or buckle type collar. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

Ocean City, New Jersey

July 21, 2004

This ordinance prohibits the chaining of dogs who have not been spayed or neutered. The chaining of sterilized dogs for more than nine total hours in any 24-hour period is prohibited. Dogs may not be chained at all between sunset and sunrise. Tethers must be light-weight, tangle free, attach to a proper collar or harness, and must not place the animal in any danger.

Chapter 11-1.6. Chaining or Tethering.

- a. Dogs must be able to move freely when chained or tethered and shall be confined for a period no greater than nine (9) hours within a twenty-four (24) hour period. The tether or chain shall be of such length as not to place the animal in any danger and shall assure that the animal will be confined to the owner's property. The chain or tether shall be tangle free. Dogs must be equipped with a properly fitting harness or buckle type collar. The tether must be made of light-weight, yet durable material, or a chain.
- b. Dogs that are not spayed or neutered will not be allowed to be tethered or chained for any period of time and must be in a completely enclosed yard or housed indoors.
- c. No dogs may be tethered or chained after dark (prior to sunrise or after sunset).

Sea Isle City, New Jersey May 11, 2004

This ordinance limits the chaining of dogs to nine hours in any twenty-four hour period. Tethers must be lightweight, at least 15 feet long, and tangle free. They must allow a dog to move freely and have access to a doghouse. Unaltered animals cannot be chained for any period of time. No dogs may be chained after 10:30 p.m.

Subsection 5-3.9 Chaining or Tethering of Dogs: (a) Dogs must be able to move freely when chained or tethered and shall be confined for a period no greater than nine hours within a twenty-four hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitting harness or buckle type collars. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered. (b) Dogs that are not spayed or neutered will not be allowed to be chained for any period of time and must be in a completely enclosed yard or housed indoors. (c) No dogs may be chained after the hours of 10:30 PM in the evening.

Wildwood, New Jersey July 14, 2004

This ordinance limits the chaining of dogs to nine hours in any twenty-four hour period. Tethers must be lightweight, at least 15 feet long, and tangle free. They must allow a dog to move freely and have access to a doghouse.

Section 8-7.8 Chaining or Tethering of Dogs: Dogs must be able to move freely when chained or tethered and shall be confined for a period no

greater than nine hours within a twenty-four hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitting harness or buckle type collar. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

Wildwood Crest, New Jersey

June 14, 2004

This ordinance limits the chaining of dogs to eight hours in any twenty-four hour period. Dogs cannot be tethered for more than four consecutive hours, and must be taken off a tether for at least one hour between confinements. Tethers must be lightweight, at least 15 feet long, and tangle free. They must allow a dog to move freely and have access to a doghouse. No dogs may be chained after 11:00 p.m.

Section 28-9 Chaining or Tethering of Dogs: (a) Dogs must be able to move freely when chained or tethered and shall be confined for a period no greater than eight hours within a twenty-four hour period, with a maximum of four (4) hours at any one interval and a minimum one (1) hour period between confinements. The size of the tether or chain must be a minimum of fifteen (15') linear feet and shall remain tangle free. Dogs must be equipped with properly fitting harness or buckle-type collars. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered. (b) No dogs shall be chained after the hour of 11:00 PM in the evening.

Canandaigua, New York

September 1, 2005

This ordinance prohibits the tethering of dogs for more than 16 hours in any 24- hour period and only allows tethering if certain conditions are met.

Section 6.08.020 Definitions.

F. Tether – chaining, tying, leashing, or tethering a dog to any object.

Section 6.08.030 Restrictions.**H. Tethering of Dogs Prohibited**

(1) It is prohibited to restrain a dog or puppy by a chain or tether for more than sixteen (16) hours in a twenty-four (24) period.

(a) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(b) Any tethered animal shall be arranged so that the tethering device cannot become entangled around trees, poles or other obstacles nor prevent the access to shade, food, water, and shelter.

Albuquerque, New Mexico

January 19, 2005

This ordinance prohibits the chaining of dogs for more than one total hour in any 24 hour period.

Council Bill No. C/S O-04-90, Section 4 (A): ... [N]o person shall chain, tie, or otherwise affix a dog to any stationary object for more than one hour in any 24 hour period.

Laurinburg, North Carolina

June 20, 2000

Dogs may not be chained for a period longer than one hour in a 24-hour period.

Sec. 4-21. Restraint of dogs.

When a dog is on the property of its owner or keeper and is not within a secure enclosure, it shall be under the direct control of and obedient to the owner or keeper. At all other times when a dog is on the property of its owner or keeper, it shall be kept within a secure enclosure, including a fenced in area or electronic fence, house or other building, of sufficient strength and height to prevent the dog from escaping therefrom; provided, the owner or keeper may, for a period not to exceed one (1) hour every twenty-four (24) hours, allow the dog to be tethered or chained to a stationary object or pole so long as the dog is provided sufficient water and nourishment. All dogs off of the property of the owner or keeper shall be controlled by means of a leash and under the direct control of and obedient to the owner or keeper's command.

Noncompliance with any of the foregoing provisions in the section 4-21 may result in the impoundment of the animal at any time, or it may result in a fine of one hundred dollars (\$100.00) or both.

Dogs utilized by law enforcement officers in the course of law enforcement activities are exempt from the section. (Code 1975, § 4-5; Ord. No. O-1997-29, 11-18-97; Ord. No. O-2000-12, § 1, 6-20-00)

Scotland County, North Carolina

June 6, 2005

This ordinance prohibits the chaining of dogs for more than one hour in any 24-hour period.

Section 9 (H): No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained, or tied, while such dog is on the dog owner's property, or on the property of the dog owner's landlord no longer than one (1) hour per day.

North Royalton, Ohio

July 1, 1997

Chapter 618.05 ANIMAL CARE STANDARDS; CRUELTY TO ANIMALS.

6. Dogs continuously maintained on a restrictive chain, rope or other kind of tether shall be deemed to be improperly confined. However, tethering may be acceptable in certain cases where adequate daily socialization and exercise off the tether have been afforded and verified. If a dog is confined on a tether, excepting periods of time that are brief and incidental, the tether shall be at least fifteen feet in length and positioned to prevent tangling and hanging. The tether must be of proper weight for the dog's

size to allow for the provisions set forth in paragraph (c)(1) hereof. Logging chains are prohibited for any dog. The tethered dog shall wear a properly fitted harness or buckle-type collar and be released from the tether at least twice daily for adequate exercise. A choker-chain on the neck of a tethered dog is prohibited. No other animals shall be tethered unless under the supervision of a custodian capable of handling the animal. Collars, harnesses, halters and the like shall be properly fitted to prevent discomfort or injury.

Bartlesville, Oklahoma

www.cityofbartlesville.org

Section 3-125 Use of tie-outs and chaining limited.

(A) It shall be unlawful for the owner of any dog to keep or maintain the dog on a tie-out consisting of a rope, chain or other type of tether for a period of more than five (5) continuous hours, or for any duration

under conditions which threaten the health or well-being of the animal. At the end of any such period, the owner shall remove the tether from the dog and provide the dog with an adequate chance to exercise.

(B) The owner of a dog maintained on a tether of any type shall properly fit the dog with a harness or buckle-type collar to which the tether shall be attached. The tether shall be of adequate length to allow reasonable exercise and access to water and shelter at all times, and

shall not be subject to entanglement with other objects in a manner to cause

the dog any injury or discomfort or be of a weight disproportionate to the size of the animal so tethered as to unduly burden the animal.

(C) The owner of any cat shall not stake the cat outside on a leash, rope, chain, or similar tether.

(D) The requirements of this section shall apply during the twenty-four hours of each day.

Multnomah County, Oregon

June 27, 2002 - Tethering is restricted. Dogs may not be continuously tethered longer than 10 hours in a 24 hour period.

Ordinance No. 986 (b) Tethering of a dog on a leash, cord, chain or similar device, to an object that prohibits or restricts movement, recommended not more than an hour. Allowing the dog a larger area, avoid entanglement, tether the dog to a stationary object. (c) The Board wishes to prohibit tethering a dog in an unsafe manner and in any manner for longer than 10 hours in a 24-hour period.

Oak Ridge, Tennessee

Animals may not be restrained for more than eight hours in a twenty-four hour period.

(b) A dog or puppy may be restrained by a fixed point chain or tether for no more than eight hours in a twenty-four hour period.

(c) A dog may be exclusively restrained by a chain or tether provided that it

is at least ten feet in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted at least four feet and no more than seven feet above ground level in a manner so as not to interfere or become entangled with objects on the property.

(d) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

(e) No chain or tether shall weigh more than one-eighth of the dog or puppy's body weight.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the dog or puppy.

Austin, Texas

October 3, 2002 - Dogs cannot be tethered for more than 8 hours in a 24-hour period unless the chain is longer than 10 feet, swivels and is attached to a pulley.

Ordinance No. 021003-13, Article I Chapter 3-3-8

(a) A person may not restrain a dog by a fixed point chain or tether for more than eight hours in a 24-hour day unless the chain or tether is at least 10 feet long, has swivels at each end, and is attached to a pulley or trolley mounted cable that is mounted no more than seven feet above ground level.

(b) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitted collar or harness worn by the dog. A person may not wrap a chain or tether around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/8 of the dog's body weight.

(c) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

(d) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

Northampton County, Virginia

May 19, 2004 - No animal shall be tethered for more than 12 hours in a 24 hour period. Tethers must be at least 10 feet long. Any violations shall constitute a Class 4 misdemeanor.

Provisions to Section 3.1-796.66, 3.1-796.68, and 3.1-796.94

Section 1. Care of companion animal tethered

An animal owner in the County of Northampton shall allow each animal to

(i) easily stand, sit, lie, turn about and make all other normal body movements in a comfortable, normal position for the animal and

(ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least ten

(10) feet in length or three (3) times the length of the animal whichever is longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-four-hour period.

Norfolk, Virginia

January 11, 2005 - Animals may not be tethered for more than twelve hours in a twenty-four hour period.

Chap. 6-1. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least five (5) feet in length or three (3) times the length of the animal whichever is longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-four-hour period.

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longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Provided, however, that no animal shall be tethered for more than twelve (12) hours in a twenty-four-hour period.

Section 2. Penalty for Violation of this Ordinance

Smithfield, Virginia

October 4, 2005

This ordinance prohibits the tethering of dogs for more than 8 hours in any 24- hour period and forbids tethering between the hours of 11 p.m. and 6 a.m.

Section 18-45

(a) It shall be unlawful for any person owning and/or controlling dogs whether vaccinated or unvaccinated, licensed or unlicensed, to allow said animal to be tied or chained to dog houses, or other stationary objects for a period of time longer than 8 hours in a 24 hour period and shall be prohibited from 11:00 pm through 6:00 am.

Virginia Beach, Virginia

August 31, 1999 - This ordinance prohibits the chaining of dogs for more than three total hours in any 24 hour period. Tethers must be at least three times the dog's length.

Section 5-19: (a) It shall be unlawful to fail to provide any animal with adequate space. "Adequate space" means sufficient space to allow each animal to

(i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and

(ii) interact safely with other animals in the enclosure. (b) When a dog is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the dog. The tether must be attached to the dog by a properly applied collar, halter, or harness configured so as to protect the dog from injury and prevent the dog or tether from becoming entangled with other objects or dogs, or from extending over an object or edge that could result in the strangulation or injury of the dog. Furthermore, the tether must be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail, except when the dog is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the dog, temporarily and appropriately restricting movement of the dog according to professionally accepted standards is considered to be provision of adequate space. (c) It shall be unlawful for any dog to be tethered for more than three (3) hours, cumulatively, in any twenty-four-hour period.

Linn, Wisconsin

August 11, 2003 - Dogs cannot be tethered for more than eight hours in a

24-hour period unless the chain is longer than 10 feet, swivels, and is attached to a pulley.

Chapter 7.10 Tethering/Chaining of Dogs Restricted.

- (a) A dog may be restrained by a fixed point chain or tether for no more than eight (8) hours in a twenty-four hour period.
- (b) A dog may be exclusively restrained by a chain or tether provided that is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.
- (c) No chain or tether shall weigh more than 1/8 of the dog's body weight.
- (d) Any chain or tether shall be at least ten (10) feet in length and have swivels at both ends.
- (e) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

Racine, Wisconsin

November, 1998 - Dogs cannot be tethered for more than twelve hours in a 24-hour period. The chain must be at least 10 feet long.

Sec. 10-75. Chaining dogs.

- (a) It shall be unlawful to keep a dog chained for longer than 12 hours in any 24-hour period.
- (b) The chain shall be no less than ten feet in length.
- (c) The chain shall be attached in such a manner as not to allow the dog to trespass on public or private property.
- (d) The terms "chain" and "chaining" shall include ropes and leashes.

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Ordinances that Regulate Tethering

Fairhope, Alabama

May 12, 2003 - Chaining or tethering dogs is prohibited. Attaching dogs to a running line or trolley is permitted, provided that the line is at least 10 feet long. Enclosures must provide a minimum of 150 square feet for dogs over 6 months of age.

Ordinance No. 1169

AN ORDINANCE TO PROHIBIT THE CHAINING OR TETHERING OF DOGS AND MANDATING THAT DOG ENCLOSURES MUST PROVIDE 150 SQUARE FEET OF SPACE FOR DOGS OVER SIX MONTHS OF AGE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, AS FOLLOWS:

Section 1. Any person owning and/or controlling dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall no allow said animal to be tied or chained to dog houses, or other stationary objects.

Section 2. No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's property or on the property of the dog owner's landlord, or on any property within the corporate limits of the City of Fairhope.

Section 3. Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least 150 square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons have custody of such dogs shall provide an enclosure for such dogs meeting the 150 square foot per dog dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure, and shall meet the requirements of the Alabama animal rights protection act 13A-11-241.

Section 4. Nothing in this ordinance shall be construed to prohibit owners or others walking dogs with a hand held leash.

Section 5. Nothing in this ordinance shall be construed to prohibit owners from allowing dogs to be attached to over head runs (i.e. leash or chain attached to an over head wire at least 10 feet long, that allows the dog to move unheeded.)

Little Rock, Arkansas

Sec. 6-16. Confinement.

(d) *Chaining.* Direct point chaining, or tethering of dogs to a stationary object, is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

- (1) Only one dog may be tethered to each cable run.
- (2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
- (3) There must be a swivel on at least one end of the tether to minimize tangling of the tether.
- (4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Services officer, considering the age, size and health of the dog.
- (5) The cable run must be at least (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
- (6) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over and object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming tangled with other objects or animals.

(f) Confinement During Transportation.

- (1) When transporting a dog in an open-bed pickup or in any open-bed vehicle, the dog shall be confined in a secured carrier or dog box that provides the dog adequate room to stand, turn around, and stretch out without hindrance and provides adequate ventilation and protection from environmental conditions.
- (2) If a dog must be transported in an open-bed vehicle but is too large for a carrier or dog box, the dog shall be restrained by a system of tethering to the vehicle bed in a manner that reasonably restricts the dog to the center of the bed in order to prevent the dog's escape and to minimize the dog's access to the sides of the vehicle bed.

(3) It shall be unlawful for any person to place or confine or allow a dog to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may endanger the health or well-being of the dog due to heat, lack of food or water, or any circumstances which might cause suffering, disability or death.

Section 6-17 Minimum Care

(a) *Shelter.*

(1) Any dog that is habitually kept outside or repeatedly left outside unattended by an adult person shall be provided with a structurally sound, moisture-proof and windproof shelter large enough to keep the dog reasonably clean and dry.

(2) A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.

(3) A dog's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.

(b) *Nutrition.*

(1) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted and secured to prevent tipping.

(2) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.

(c) *Exercise.*

(1) The enclosure or confinement area for a dog shall encompass sufficient useable space to keep the animal in good condition.

(2) When a dog is confined by means of a tether and cable run, the trolley system shall be configured to allow access to the maximum available exercise area.

(3) When a dog is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met:

| Size of Dog | Pen Size (1 dog) | ea. add. dog |
|---|------------------|--------------|
| Extra Large
(over 26" at withers or over 75 lbs) | 48 sq. feet | 24 sq. feet |
| Large
(over 20" at withers or not over 75) | 40 sq. feet | 20 sq. feet |
| Medium
(over 12" at withers or not over 50 lbs) | 32 sq. feet | 16 sq. feet |
| Small
(12" or less or not over 20 lbs) | 24 sq. feet | 12 sq. feet |

Go to Little Rock page.

Hemet, California

Sec. 10-39. Prohibited acts.

(10) For any person owning or having possession, charge, custody or control of any dog to cause or permit or allow the dog to be staked out in such a manner that the rope or other attachment by which such animal is

tethered permits the animal to be or to go beyond the boundaries of the unenclosed private lot or land.

Freemont, California

Chained animals must be free from danger of becoming entangled, and must have access to food, water, and shelter.

Sec. 3-5606. Animal restraints.

When a chain, rope or other restraint is used to tether an animal, it shall be so placed or attached that it cannot become entangled with the chain of any other animal or with any other object. It shall be affixed by means of a well-fitted collar, and shall be at least four times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to food, water and shelter adequate to protect the animal from the elements.

Sec. 3-51434. Restraint requirements for dangerous dogs.

When confined in an enclosure the dog shall be provided access to adequate shelter from the elements, food, and water and shall not be tethered.

San Diego, California

This ordinance pertains to dogs who are kept as "guard dogs."

SEC. 62.685. GUARD DOGS.

(a)GENERAL PROVISIONS. Any "Guard Dog Operator," in addition to any requirements of The Dog Act of 1969 (Health And Safety Code 25970 et seq.), shall:

(7) In addition, ensure that each dog, whether or not on duty, is visited at least once every twelve (12) hours and that each dog has adequate food, water and shelter. Any dog which is sick or injured shall be provided proper care and attention and, if on duty, shall be removed from the site. Dogs shall not be kept or maintained on a chain or tether. Dogs shall not be kept or maintained, for any period of time, in an enclosure area with less than twelve feet by five feet (12' x 5') floor space or in any enclosure area without adequate ventilation.

San Jose, California

"Vicious dogs" may not be tethered as a sole means of confinement.

7.08.1120 Requirements for muzzling and leashing.

When a vicious dog is even temporarily other than indoors or in a securely enclosed, escapeproof, locked kennel, pen or other place which complies with Section 7.08.1110, the owner or person with a right to control the dog shall keep the dog:

A. On a leash not to exceed three feet in length. The leash must be capable of restraining four times the weight of the dog. The leash must be attached to an escapeproof commercial quality walking harness which fastens securely across the shoulders and midchest encompassing the rib area and upper abdomen of the dog. No neck collar of any type or material will be sufficient to satisfy the above requirements. Vicious dogs shall not

be leashed or tethered at any time to inanimate objects such as trees, posts, or buildings except when the dog is inside a securely enclosed, escapeproof locked kennel or pen.

San Francisco, California

January 11, 2005

Dogs may be tethered provided they have a nonchoke collar and pulley system. The tether must be at least 10 feet in length and allow the dog access to food, water, and shelter but free of obstructions. The ordinance also gives requirements for shelter, water, and adequate exercise.

Sections 41.12 and 41.13

4. Confinement Requirements

Though highly discouraged, tethering is only acceptable if:
The tether is attached to a stake in the ground with a pulley like system.
The tether is attached to the dog by a non-choke type collar or body harness at least 10 feet in length which would allow the dog access to food, water and shelter, but free of obstructions.

Aurora, Illinois

This ordinance specifies what the minimum length of the tethering device must be and prohibits devices that can become entangled.

Sec. 9-22. No person or owner shall treat any animal cruelly in any manner, including, but not limited to the following: By tethering any animal to a fixed object unless such chains, ropes or leashes are so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. Such tethering shall be located so as not to allow such animal to trespass on public property or private property belonging to others, nor in such a manner as to cause harm or danger to persons or other animals.

Noblesville, Indiana

December 28, 2004

This ordinance allows dogs to be tethered as long as tethers are at least 10 feet long, terminate in swivels at both ends, attach to a proper collar or harness, and are connected to a running line at least 10 feet long and less than 7 feet above the ground. Dogs tethered in any other manner may not be tethered more than eight total hours in any 24 hour period.

Chapter 90.03 Hitching or Tying: No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon not of the choker type. This is not to prohibit the proper use of choke collars in the training of animals. A person may not restrain an animal by a fixed point chain or tether less than 10 feet for more than eight hours in a 24 hour period unless the chain or tether is at least 10 feet long, has swivels at each end and is attached to a pulley or trolley mounted cable at least 10 feet in length and mounted no more than seven feet above ground level.

Any outside caged or penned animal or dog shall be kept in a cage or pen no less than 10x10x4 feet in size, equaling a 100 square foot roaming area. Violations shall be considered a Class A infraction.

Terre Haute, Indiana November 25, 2001

This ordinance allows tethering, provided that tethers not permit strangulation and be attached to a proper collar or with a swivel to a harness. Tethers must be at least five times the dog's length and allow access to shelter and freedom of movement.

Section 6-84 h. (7): An animal shall be considered cruelly treated that is hitched, tied, or fastened by any rope, chain, or cord (or similar device) around its neck, or any rope, chain or cord attached to a choker collar permitting possible strangulation. An animal that is secured or tied should wear a properly fitted collar or harness with a swivel to prevent strangulation. The device securing the animal (chain, etc.) should be at least five (5) times the length of the dog as measured from the tip of the nose to the base of the tail, allowing access to shelter and freedom of movement.

Louisville, Kentucky

Dogs may be tethered to a cable run, provided that the tether is at least 10 feet long, weighs no more than one-eighth the dog's weight, and has swivels on both ends. The tether must be attached to a properly fitting collar or harness.

Restraint

(2) For puppies and dogs restraint shall mean on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner on the owner's property and under their direct control. If off the premises of the owner, the animal must be restrained by a lead or leash and under the control of a responsible person.

(b) A dog may be exclusively restrained by a chain or tether provided that it is at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above ground level.

(c) Any tethering system employed shall not allow the dog or puppy to leave the owners property.

(d) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

(e) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.

(f) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.

Ouichita, Louisiana

Tethered animals must have access to food, water and shelter.

Sec. 3-46. Crimes; misdemeanors.

(4) Cruelty to animals. The following acts and omissions constitute cruel treatment to animals; therefore, it shall be a misdemeanor for any person, firm or corporation to: d. Tether, confine, or restrain any animal in such a way as to permit said animal to become entangled in such tether, or render said animal incapable of consuming food and water for more than twenty-four (24) hours; or from obtaining shelter from the elements.

Baton Rouge, Louisiana

This ordinance specifies where an animal can be tethered and how long the tethering device must be.

Sec. 14:203. Minimum requirements for dog and cat pens and yards.

(6) Tethers used to restrict the animal to the confines of its owner's property shall be minimum length of five (5) times the length of the animal, as measured from the nostrils to the base of the tail. Tethers shall restrict the animal to its owner's property. The area shall be kept free of obstructions to prevent entanglement. No tethered animal shall be allowed to endanger the health, safety or welfare of others.

St. Charles Parish, Louisiana

This ordinance specifies a minimum length for the tethering device, prohibits tethers that may entangle an animal, and prohibits tethering where an animal may pose a threat to public safety.

Sec. 4-13. Dogs on tethers.

If a dog is confined on a tether, the tether shall be equipped with swivel ends and be positioned to prevent tangling and/or hanging. The tethered dog shall wear a properly fitted harness or buckle-type collar. A properly installed and positioned running line is preferable to a stationary tether. The line must be at least five times the length of the dog. The dog cannot be tethered in an area which would pose a threat to public safety and health.

Montgomery County, Maryland

Amendment to the existing State and County laws against cruelty to animals to include certain practices involving the unattended restraint of a dog.

Article II, Chapter 5, Sec. 5-201

I. Definitions. (C) "Tether" means attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. "Tether" does not include the use of a leash to walk a dog.

II. Prohibited Conduct. A person must not tether a dog under circumstances that endanger its health, safety, or well being, including: (A) tethering a dog by any means other than a harness; (B) tethering a dog between the hours of midnight and five a.m. unless the Director grants a

waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane; (C) unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer; (D) using a tether that weighs more than 1/8 of the dog's bodyweight; (E) using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail; (F) tethering that unreasonably limits a dog's movement; (G) tethering under conditions where the dog or tether can become entangled on the tether or some other object; (H) tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter; (I) tethering in unsafe or unsanitary conditions; (J) tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or (K) tethering that causes injury, stress, or demonstrable socialization problems.

III. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in subsection II is proof that the dog was improperly, i.e., cruelly, tethered.

Kansas City, Missouri

Sec. 14-16. Abuse or neglect of animals.

(a) Adequate care required; inspections. No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care and adequate shelter. Such shelter shall be clean, dry, shaded and compatible with the condition, age and species. **An animal must also have the opportunity for adequate daily exercise as determined by the supervisor of animal control. This requires that an owner must offer some freedom from continuous chaining, stabling and tethering.** Any restraint placed on an animal must be such that it prevents the animal from being tangled or injured by the restraint. Grooming of animals is also required so that they are free from dangerous matting which can affect their health. The area where animals are kept must also be kept free from unsanitary conditions, vermin-harboring debris, junk or any other dangerous protuberances which can provide an opportunity for injury or a danger to the animal's health. Any owner, keeper or harbinger of an animal in this city, by the act of owning, keeping or harboring such animal, does thereby authorize the supervisor of animal control to enter the yard where such animal is kept if the supervisor of animal control reasonably believes that the animal is kept in an unlawful, negligent, cruel, abusive or inhumane manner, and to examine such animal and to seize and impound such animal at the municipal animal shelter when, in the examiner's opinion, it is being kept in an unlawful, negligent, cruel, abusive or inhumane manner. If an animal control officer cannot view and observe the animal in plain sight, the owner, keeper or harbinger, upon request, must exhibit for inspection any and all animals which are not in plain sight but are on or inside the premises.

Raytown, Missouri

December 8, 1992

Tethered animals must be free from danger of becoming entangled, and must have access to food, water, and shelter.

Sec. 4-17. Cruelty to animals and fowl.

(h) No persons shall tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render said animal incapable of consuming food or water provided for it or prevent said animal from moving to adequate shelter.

Lincoln, Nebraska

August 22, 1988 - Animals may not be tethered unattended in public, on sidewalks, or on streets.

6.04.330 Tethered Animals.

It shall be unlawful for any person to tether, chain, or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained, or fastened on public property. It shall be unlawful to tether, chain, or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food, and water.

Dennis Township, New Jersey

August 17, 2004

This ordinance requires that tethers be at least 15 feet long, be lightweight, remain tangle free, and attach to proper collars or harnesses. Tethers must allow dogs' free movement and access to a doghouse.

Section 88-13. Chaining or Tethering of Dogs.

Dogs must be able to move freely when chained or tethered. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collars. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

Bernalillo County, New Mexico

The tethering device must be in working condition.

Restraint of animals shall be accomplished by adequate fencing maintained at all times to contain the animals, or by the use of tethers or chains that are tangle-free, well-fitted, and equipped with a swivel device for attachment to the animal's collar or harness.

Catawba County, North Carolina

(D) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

(1) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control

- (2) Using a chain or tether made of rope, twine, cord or similar material.
- (3) Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.
- (4) Using a chain or tether that exceeds ten percent of the animal's body weight.
- (5) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortable or having access to adequate food, water and shelter.
- (6) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

Greenville, North Carolina

This ordinance outlines what kind of tether may be used.

c. 4-5. Animal care generally.

- (c) Any chain, leash, or similar device for animal restraint shall be designed and placed to prevent choking or injury to the animal. The restraining device shall be at least ten feet in length and placed on a swivel or on a chain run.

Oak Ridge, Tennessee

August 26, 2002

- (c) A dog may be exclusively restrained by a chain or tether provided that it is at least ten feet in length, with swivels on both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted at least four feet and no more than seven feet above ground level in a manner so as not to interfere or become entangled with objects on the property.
- (d) Any tethering system employed shall not allow the dog or puppy to leave the owner's property.
- (e) No chain or tether shall weigh more than one-eighth of the dog or puppy's body weight.
- (f) Any chain or tether must be attached to a properly fitting collar or harness worn by the dog or puppy.

Allen, Texas

Dogs, fowl, and other animals are protected under this law.

Chapter 3 ANIMALS AND FOWL

Sec. 3-17. Tying dogs and other animals.

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the animal control officer.

Richland Hills, Texas

<http://www.unchainyourdog.org/Laws.htm>

6/7/2006

Sec. 6-80. Tethering animals.

(a) No unattended animal shall be tethered by any means on any public property such as city parks or utility easements, or public access private property such as undeveloped lots or unfenced yards, or any other plot or tract where the public has unrestricted access.

(b) Any tethered animal in a restricted access enclosure shall have continuous access to shade and water, and have unrestricted access to a wind and moisture proof shelter.

(c) Any tethered animal shall be arranged so that the tethering device cannot become tangled around trees, poles or other obstacles and prevent the access to shade, water and shelter.

Washington, D.C.

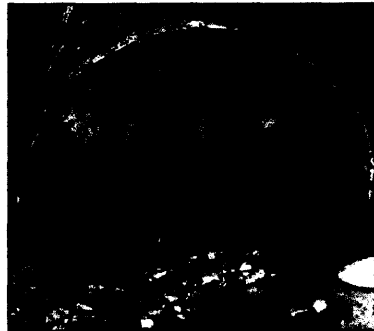
Cruel chaining of dogs prohibited by the District's "Freedom From Cruelty to Animals Protection Act."

Chapter 106, Sec. 2 (b) For the purpose of this section, "cruelly chains" means attaching an animal to a stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances that may endanger its health, safety, or well-being. "Cruelly chains" includes, but is not limited to, the use of a chain, rope, tether, leash, cable, or similar restraint that: (1) Exceeds 1/8 the body weight of the animal; (2) Causes the animal to choke; (3) Is too short for the animal to move around or for the animal to urinate or defecate in a separate area from the area where it must eat, drink, or lie down; (4) Is situated where it can become entangled; (5) Does not permit the animal access to food, water, shade, dry ground, or shelter; or (6) Does not permit the animal to escape harm. (Act 13-418; June 1, 2001)

Why Chaining is Cruel

The following information is adapted from a fact sheet compiled by the The Humane Society of the United States

View a slide show with photos which summarizes why chaining is dangerous for humans and inhumane for dogs.



1. What is meant by "chaining" or "tethering" dogs?

These terms refer to the practice of fastening a dog to a stationary object or stake, usually in the owner's backyard, as a means of keeping the animal under control. These terms do not refer to the periods when an animal is walked on a leash.

2. Is there a problem with continuous chaining or tethering?

Yes, the practice is both inhumane and a threat to the safety of the confined dog, other animals, and humans.

3. Why is tethering dogs inhumane?

Dogs are naturally social beings who thrive on interaction with human beings and other animals. In the wild, dogs and wolves live, eat, sleep, and hunt with a family of other canines. Dogs are genetically determined to live in a group.

A dog kept chained alone in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive. In many cases, the necks of chained dogs become raw and covered with sores, the result of improperly fitted collars and the dogs' constant yanking and straining to escape confinement. Some chained dogs have collars embedded in their necks, the result of years of neglect at the end of a chain.



4. Who says tethering dogs is inhumane?



In addition to The Humane Society of the United States and numerous animal experts, the U. S. Department of Agriculture (USDA) issued a statement in the July 2, 1996, Federal Register against tethering: "Our experience in enforcing the Animal Welfare Act has led us to conclude that

continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

In 1997, the USDA ruled that people and organizations regulated by the Animal Welfare Act cannot keep dogs continuously chained

The American Veterinary Medical Association (AVMA) has also stated "Never tether or chain your dog because this can contribute to aggressive behavior."

The Centers for Disease Control (CDC) concluded in a study that the dogs most likely to attack are male, unneutered, and chained.

5. How does tethering or chaining dogs pose a danger to humans?

Dogs tethered for long periods can become highly aggressive. Dogs feel naturally protective of their territory; when confronted with a perceived threat, they respond according to their fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory.

Numerous attacks on people by tethered dogs have been documented. The Journal of the American Veterinary Medical Association reported that 17% of dogs involved in fatal attacks on humans between 1979 and 1998 were restrained on their owners' property at the time of the attack, and the book Fatal Dog Attacks states that 25% of fatal attacks were inflicted by chained dogs of many different breeds.



Tragically, the victims of such attacks are often children who are unaware of the chained dog's presence until it is too late. Furthermore, a tethered dog who finally does get loose from his chains may remain aggressive, and is likely to chase and attack unsuspecting passersby and pets.

6. Do chained dogs make good guard dogs?

No. Chaining creates aggression, not protectiveness. A protective dog is used to being around people and can sense when his family is being threatened. A dog learns to be protective by spending lots of time with people and by learning to know and love his human family.



Leaving a dog on a chain and ignoring him is how to raise an aggressive dog. Aggressive dogs can't distinguish between a threat and a family friend, because they are not used to people. Aggressive dogs will attack anyone: children who wander into the yard, the meter reader, the mailman.

Statistics show that one of the best deterrents to intruders is an inside dog. Intruders will think twice about entering a home with a dog on the other side of the door.

Visit our Guard Dog page to learn more about this issue.

7. Why is tethering dangerous to dogs?

In addition to the psychological damage wrought by continuous chaining, dogs forced to live on a chain make easy targets for other animals, humans, and biting insects. A chained animal may suffer harassment and teasing from insensitive humans, stinging bites from insects, and attacks by other animals.



Chained dogs are also easy targets for thieves looking to steal animals for sale to research institutions or to be used as training fodder for organized animal fights. Finally, dogs' tethers can become entangled with other objects, which can choke or strangle the dogs to death.

8. Are these dogs dangerous to other animals?

In some instances, yes. Any other animal that comes into their area of confinement is in jeopardy. Cats, rabbits, smaller dogs, and others may enter the area when the tethered dog is asleep and then be fiercely attacked when the dog awakens.

9. Are tethered dogs otherwise treated well?



Rarely does a chained or tethered dog receive sufficient care. Tethered dogs suffer from sporadic feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. During snow storms, these dogs often have no access to shelter. During periods of extreme heat, they may not receive adequate water or protection from the sun.

What's more, because their often neurotic behavior makes them difficult to approach, chained dogs are rarely given even minimal affection. Tethered dogs may become "part of the scenery" and can be easily ignored by their owners.

10. Are the areas in which tethered dogs are confined usually comfortable?

No, because the dogs have to eat, sleep, urinate, and defecate in a single confined area. Owners who chain their dogs are also less likely to clean the area. Although there may have once been grass in an area of confinement, it is usually so beaten down by the dog's pacing that the ground consists of nothing but dirt or mud.



11. But how else can people confine dogs?

Dogs should be kept indoors at night, taken on regular walks, and otherwise provided with adequate attention, food, water, and

veterinary care. If an animal must be housed outside at certain times, he should be placed in a suitable pen with adequate square footage and shelter from the elements.

12. Should chaining or tethering ever be allowed?



To become well-adjusted companion animals, dogs should interact regularly with people and other animals, and should receive regular exercise.

It is an owner's responsibility to properly restrain her dog, just as it is the owner's responsibility to provide adequate attention and socialization. Placing an animal on a restraint to get fresh air can be acceptable if it is done for a short period. However, keeping an animal tethered for long periods is never acceptable.

13. If a dog is chained or tethered for a period of time, can it be done humanely?

Animals who must be kept on a tether should be secured in such a way that the tether cannot become entangled with other objects. Collars used to attach an animal should be comfortable and properly fitted; choke chains should never be used. Restraints should allow the animal to move about and lie down comfortably. Animals should never be tethered during natural disasters such as floods, fires, tornadoes, hurricanes, or blizzards.

14. What about attaching a dog's leash to a "pulley run"?

Attaching a dog's leash to a long line—such as a clothesline or a manufactured device known as a pulley run—and letting the animal have a larger area in which to explore is preferable to tethering the dog to a stationary object. However, many of the same problems associated with tethering still apply, including attacks on or by other animals, lack of socialization, and safety.

15. What can be done to correct the problem of tethering dogs?

More and more communities are passing laws that regulate the practice of tethering animals. New Orleans LA, Tuscon AZ, Okaloosa FL, Carthage MO, Lawton, OK and other cities ban all chaining. The state of Connecticut, along with Wichita KS, Denver CO, Austin TX, Norfolk VA, West Palm Beach FL, and others allow dogs to be chained only for a limited number of hours a day. Little Rock AR, along with other cities, ban fixed-point chaining but do allow pulley runs.

16. Why should a community outlaw the continuous chaining or tethering of dogs?

Animal control and humane agencies receive countless calls every day from citizens concerned about animals in these cruel situations. Animal control officers, paid at taxpayer expense, spend many



hours trying to educate pet owners about the dangers and cruelty involved in this practice. Regulations against chaining also give officers a tool to crack down on illegal dog fighting, since many fighting dogs are kept on chains.

A chained animal is caught in a vicious cycle; frustrated by long periods of boredom and social isolation, he becomes a neurotic shell of his former self—further deterring human interaction and kindness. In the end, the helpless dog can only suffer the frustration of watching the world go by in isolation—a cruel fate for what is by nature a highly social animal. Any city, county, or state that bans this practice is a safer, more humane community.

